

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

**Civil Revision Petition Nos.364, 366, 370, 376, 378, 383, 386, 389, 390,
394, 395, 396, 397, 402, 405, 418, 424, 426 and 440 of 2019**

COMMON ORDER :

Heard the counsel for petitioners, and the learned Government Pleader for Arbitration for respondent(s) in the Civil Revision Petitions.

2. Since common issues arise in all these Civil Revision Petitions, they are being disposed of by this Common Order.

3. In these batches of matters, lands of petitioners herein were acquired and Awards were passed under the Land Acquisition Act, 1894.

4. The petitioners had sought reference invoking Section 18 for enhancement of the compensation payable to them. They were numbered as L.A.O.P.637 of 2013 and L.A.O.P.842 of 2013 by the Principal District Judge, Warangal. The said O.P.s were allowed by separate orders on 15.03.2017.

5. The State preferred appeals L.A.A.S.No.606 of 2017 and 604 of 2017 to the High Court against the said order; and in the said appeals, initially interim orders were granted in L.A.A.S.M.P.No.1540 of 2017 on 16.11.2017 in L.A.A.S.No.606 of 2017 and in L.A.A.S.M.P.No.1535 of 2017 on 15.11.2017 in L.A.A.S.No.604 of 2017 staying the execution of the orders in the O.P.s subject to the

condition of the State depositing costs and 50% of the enhanced compensation within twelve (12) weeks.

6. When the said orders were not complied with, on 27.03.2018 the said stay was vacated by this Court in I.A.No.1 of 2018 in L.A.A.S.No.604 of 2017 and in L.A.A.S.No.606 of 2017.

7. In spite of that, since the State did not deposit the entire compensation amount as fixed by the Court, WP.Nos.20140 and 20117 of 2018 were filed, and there was a direction granted by this Court vide orders dt.25.06.2018 in WP.No.20140 of 2018 and dt.26.06.2018 in WP.No.20117 of 2018 to comply with the judgments and decrees passed in the O.P.s by the Principal District Judge, Warangal within three (03) weeks.

8. Thereafter, since the said order was not complied with Contempt Case Nos.2051 of 2018 and 2062 of 2018 were filed seeking implementation of the said order.

9. The State then deposited the decretal amount to the credit of the L.A.O.P.s.637 of 2013 and 842 of 2013.

10. The respective petitioners then filed Cheque Petition(s) I.A.S.R.No.12004 of 2018 in L.A.O.P.No.842 of 2013 and batch (nineteen number) for withdrawal of the amount deposited by the State.

11. The Court below on 01.02.2019 refused to pass any orders in the Cheque Petitions and returned the same stating that the appeals L.A.A.S.No.604 of 2017 and 606 of 2017 against the orders in O.P.s are pending in this Court, and the matter had not attained finality.

12. Assailing the same, the present Civil Revision Petitions are filed.

13. The counsel for petitioners contended that when there is no stay of execution of the decree passed in the O.P.s in the appeals and the stay earlier granted on 15/16.11.2017 had been vacated by this Court on 27.03.2018, the petitioners cannot be prevented from withdrawing the amounts deposited by the State to the credit of the O.P.s.

14. Though the learned Government Pleader for Arbitration opposed the withdrawal of the amounts deposited by the State to the credit of the O.P.s, having regard to the fact that there is no stay of execution of the judgments and decrees in the O.P.s subsisting as of date, and since the stay orders have already been vacated by this Court, there cannot be any impediment for petitioners to withdraw the amounts deposited by the State to the credit of the O.P.s.

15. However, any such withdrawal would be subject to the result of the appeals preferred by the State challenging the judgments and decrees in the O.P.s.

16. Therefore, the orders dt.01.02.2019 passed in I.A.S.R.No.12009 of 2018 in L.A.O.P.No.842 of 2013 and batch on the file of the Principal District Judge, Warangal are set aside.

17. The said Court is directed to pass appropriate orders in the said I.A.s after numbering them within two (02) weeks from the date of receipt of copy of this order.

18. Accordingly, the Civil Revision Petitions are allowed as above.
No order as to costs.

19. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08.03.2019

Ndr/*