

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CC.No. 395 of 2019

ORDER:

1. Heard counsel for the petitioners, the Government Pleader for Land Acquisition for respondents 1 & 3, the Government Pleader for Panchayat Raj for respondents 2, 4, 5 & 7 and the Government Pleader for Finance for 8th respondent.

2. This Contempt Case is filed alleging willful and deliberate violation of the order dt.17.08.2018 in WP.No.41186 of 2014.

3. In the said Writ Petition, the following order was passed:

“19. Having regard to the report of the Revenue Divisional Officer, Mahabubabad in Rc.No.A/1756/2016 dt.13-01-2016 addressed to the Executive Engineer, Panchayat Raj, Mahabubabad that Ac.0.19 gts in Sy.No.664 of petitioners was utilized for laying the Necklace Road around Nizam Sagar cheruvu and having regard to the correspondence between the 3rd respondent and 4th respondent and the Engineer-in-Chief, Panchayt Raj, Hyderabad referred to above, the Engineer-in-Chief, Hyderabad is directed to address the 1st respondent, within two (02) weeks from the date of receipt of copy of this order, for grant of exemption under Section 10-A of Act 21 of 2017 in regard to the land of the petitioners; the 1st respondent shall take a decision thereon within three (03) weeks thereafter and communicate the same to the 2nd respondent and to the other respondents; and within three (03) months from the date of such decision being taken by 1st respondent, the respondents shall initiate and conclude the proceedings under Act 30 of 2013 as amended by Act 21 of 2017 and pay compensation of Ac.0.19 gts of land of the petitioners taken away for the purpose of laying Necklace Road around Nizam Sagar cheruvu and pay compensation for the same under the said statute to the petitioners.

20. The Writ Petition is accordingly allowed with the above directions. No costs.

21. As a sequel, miscellaneous applications pending, if any, shall stand closed.”

4. Though the above order contemplated that the 7th respondent in the Contempt Case should address the 1st respondent within two weeks from the date of receipt of a copy of the order for grant of exemption under Section 10-A of Act 21 of 2017 in regard to the land of the petitioners and also directed the 1st respondent to take a decision thereon within three (03) weeks and communicate it to the 2nd respondent and to the other respondents in the Writ Petition and further directed that within three months from the date of such decision being taken by the 1st respondent, the other respondents should initiate and conclude the proceedings under the Act 30 of 2013 and pay compensation to the petitioners for deprivation of land, it is brought to the notice of the Court that proceedings for acquisition of the land of the petitioners afresh under the Act 30 of 2013 were initiated on 28.02.2019; on 07.09.2018 exemption from social impact assessment study as well as safeguard to food security under category defined under Section 10-A(b) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013 (Act 30 of 2013) as amended by Act 21 of 2017 was obtained; requisition was sent on 03.12.2018 by the District Collector (LA) Mahabubabad and Notification under Section 11 was issued on 21.02.2019; ultimately Award was passed by the Revenue Divisional Officer, Mahabubabad on 21.09.2019; and thereafter, a sum of

Rs.12,64,348/- and Rs.12,62,353/-, respectively, was paid to the petitioners on 11.12.2019, way beyond the time limit fixed in the order for making payment of compensation to the petitioners for the land which they were deprived of in the year 2002.

5. This inordinate delay in complying with the order passed by this Court is not satisfactorily explained by the respondents in the counter affidavits.

6. However, since the petitioners have received the compensation amount, no punishment in the form of imprisonment or fine is imposed on the respondents, but in the facts and circumstances, this *Contempt Case is allowed* imposing costs of Rs.20,000/- to be paid by the 4th respondent to the petitioners within a period of four (04) weeks from today.

7. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

20th December, 2019.
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