

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 9324, 9325 AND 9352 OF 2019

COMMON ORDER:

The petitioners, in all these Writ Petitions, pray for implementation of G.O. Rt. No. 901, dated 04.07.2018, G.O. Rt. No. 895, dated 03.07.2018 and G.O. Rt. No. 893, dated 03.07.2018 respectively.

The facts are not in dispute. The land of the petitioners was acquired for public purpose i.e. excavation of D.3-R2 of Laxmi Canal of SRSP Project and compensation was arrived at. The petitioners, however, dissatisfied with the compensation amount, approached the civil Court under Section 18 of the Land Acquisition Act, 1894 seeking reference by filing the O.Ps., which were disposed of determining the amount payable. The petitioners also filed Execution Petitions before the I Additional District Judge's Court at Nizamabad for realization of the said amount. The 1st respondent, as a matter of fact, issued the G.Os. as stated above, earmarking and sanctioning Rs.17,13,595/- in O.P. No.701 of 2003, Rs. 4,89,911/- in O.P.No. 532 of 2001, and Rs.20,45,626/- in O.P.No. 533 of 2001 and in terms of the said G.Os., instructions were issued to the Chief Commissioner of Land Administration, Hyderabad and the District Collector, Nizamabad to take necessary action accordingly.

Heard learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition has placed on record the written instructions received from the Revenue Divisional Officer & Land Acquisition Officer, Armoor, in Writ Petition No. 9325 of 2019, paragraphs 4, 5 and 6 of which are extracted verbatim:

“ 4. It is stated that, as per the opinion rendered by the Govt. Pleader, Nizamabad and enhancement made by the Court is above

100% on amount awarded by the LAO and proposals were sent to the Government for sanction of funds. The Government, have sanctioned an amount of Rs.4,89,911/- (Rupees Four Lakhs Eighty Nine Thousand Nine Hundred and Eleven only) towards decretal charges to be deposited in the respective Court to the credit of in EP No. 29/2015 in OP No. 532/2001 pertaining to Nagampet Village, Mupkal Mandal, Nizamabad District vide G.O.Rt.No. 895, I & CAD (L.A.RR.A.I) Dept., dated 03.07.2018. Accordingly, a bill was prepared & submitted in Pay & Accounts Office, Nizamabad for payment vide Token No. 2692, dated 29.08.2018. The bill is pending till now, for payment.

5. It is stated that a letter has been addressed to the Chief Engineer, SRSP Stage-I, LMD Colony, Karimnagar (HOD) with request to release funds in the above case on par with other cases, so as to enable this office to deposit the same, in the Court of I Addl. District Judge at Nizamabad, vide this office Ref. No. B2/2602/2018, dated 20.09.2018 and B2/2602/2018, dated 31.10.2018 (copies enclosed). But, the Chief Engineer has not released the funds till now.

6. In view of the circumstances explained supra, it is prayed that, this Hon'ble Court may be pleased to grant some more time so as to deposit the sanctioned amount in the above case, as the funds are being released by the Chief Engineer, SRSP, Stage-I, LMD Colony, Karimnagar and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of Justice."

In the light of the above instructions, the Writ Petition is disposed of with a direction to the respondents to pay the petitioners the compensation amount, particularly the one sanctioned *vide* G.O.Rt. No. 901, dated 04.07.2018, G.O.Rt. No. 895, dated 03.07.2018 and G.O.Rt.No. 893, dated 03.07.2018 within three months from the date of receipt of a copy of this order. No costs.

Consequently, the miscellaneous Applications, if any stand closed.

CHALLA KODANDA RAM, J

29th April, 2019

ksld