

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

IA.No.1 of 2019
IN
WA.No.574 of 2019

AND

IA.No.1 of 2019
IN
WA.No.575 of 2019

AND

WRIT APPEAL Nos.574 and 575 of 2019

16.08.2019

Between

G. Anjaneyulu, S/o. G. Eddnna,
Aged about 62 years,
Occ: Retd. Employee,
R/o. PlotNo.24, L.I.G. and M.I.G,
Srinivas Colony,
Mahabubnagar Town and others.

...APPELLANTS

AND

Mohd. Fazal Ur Rahman,
S/o. Late Mohd Khaleel ur Rahman,
Aged about 58 years,
Occ: Agriculture & Business,
R/o. Srinivas Colony, Mahabubnagar and others.

...RESPONDENTS

Counsel for the Appellants: Mr. Vedula Srinivas

Counsel for the Respondents: Mr. N. Vasudeva Reddy
GP for Land Acquisition

The Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

I.A.No.1 of 2019

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WRIT APPEAL Nos.574 and 575 of 2019

COMMON JUDGMENT: { Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan}

The appellants, third parties, have challenged the legality of the order, dated 10.07.2018, passed by the learned Single Judge in WP.No.32428 of 2014 whereby the learned Single Judge had granted the N.G.O's Co-operative House Building Society ('Society' for short), respondent No.2 in the writ petition, six months time to comply with the judgment and decrees in A.S.Nos.174 of 2003 and 374 of 2003 by depositing the compensation determined in favour of the land losers i.e. respondents herein. The learned Single Judge had further directed that till the said compensation amount is paid by the Society, they shall not be permitted to sell or alienate any of the plots owned by the members of the Society.

2. It is pertinent to note that it was the Society, which was arrayed as respondent before the learned Single Judge. However, since the appellants happen to be the members of the Society, they have sought leave of this Court to file this appeal against the impugned order.

3. Learned counsel for the appellants submits that the order dated 10.07.2018 would adversely affect the financial condition of the

appellants. Therefore, they should be permitted to challenge the same. Hence, leave should be allowed by this Court.

4. For the reasons stated by the learned counsel for the appellants, leave is allowed. IA's are ordered.

5. During the course of hearing on 14.08.2019, this Court made it clear to the appellants, that since the land is required for the benefit of the society of which they are members of, the compensation amount eventually has to be paid by them. Since they had failed to do so, the learned Single Judge was justified in passing the impugned order. Once this fact was pointed out, the learned counsel for the appellants sought time to seek further instructions from the parties as to the time they would require for the payment of compensation amount.

6. Today, the learned counsel for the appellants has submitted different undertakings given by 79 appellants. However, no undertaking has been given by Appellant Nos.22, 51, 55, 60, 67 and 75. Learned counsel further submits that the total number of allottees is 140, and the total compensation to be paid as on 31.01.2019 is Rs.4,65,48,993/-.

7. Since the undertaking has been given by the appellants that they shall pay the enhanced compensation amount within a period stipulated by this Court, this Court directs each of the appellants to deposit an amount of Rs.3,32,492/- before the EP Court within a period of three (3) months from today. The amount once deposited with the EP Court shall be disbursed to the land losers i.e. respondents before this Court strictly in accordance with law. However, it is clarified

that it is for the EP Court to decide as to the amount of interest payable by the appellants to the land losers. The said issue shall be decided by the EP Court after giving an opportunity of hearing to parties. Since 79 appellants have filed the undertaking, this order is confined to only these 79 appellants. The sale of plots in respect of 79 appellants is stayed. The respondents are free to take action against the remaining appellants. Moreover, it is further clarified that in case the appellants fail to deposit the amount due from them within the stipulated period of three (3) months, the respondents shall be free to recover the said amount under the Telangana Revenue Recovery Act, 1864.

With these directions, the writ appeals are disposed of. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

August 16, 2019
DSK