

HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P. No.14741 of 2019

Date: 18.07.2019

Between:

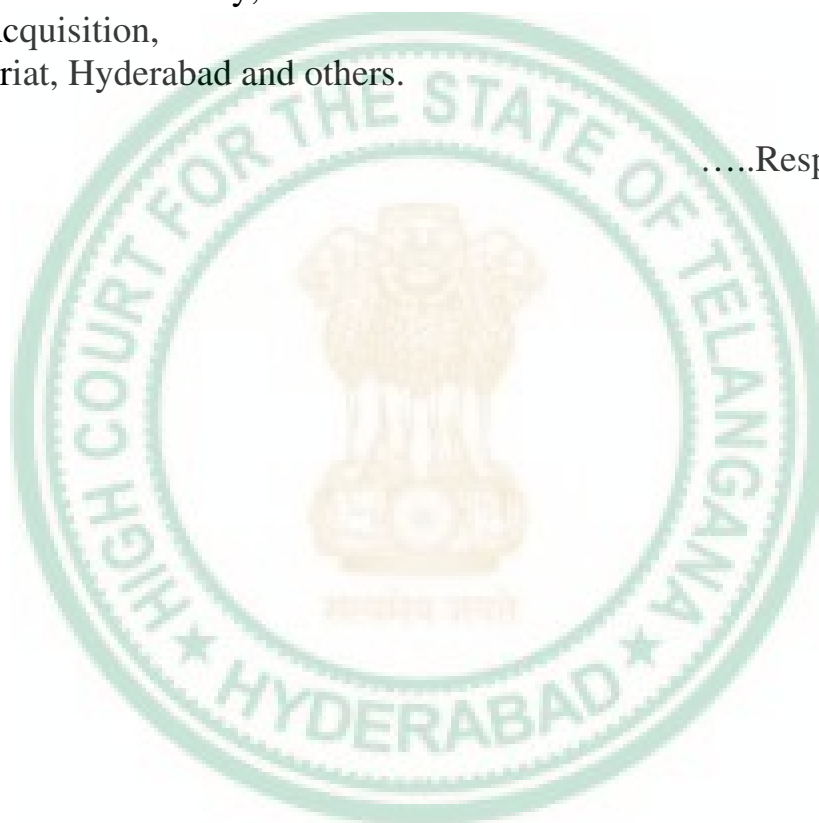
Toomkunta Gandla Shiva Srinivas

.....Petitioner

And

The State of Telangana,
rep. by its Prl. Secretary, Revenue and
Land Acquisition,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO**W.P. No.14741 of 2019****ORDER :**

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition, appearing for respondent Nos.1 to 3.

2. Notice of attachment in Form-V was issued by the 3rd respondent-Tahsildar on 05-07-2019 alleging that Sri B.Shanker Singh did not pay an amount of Rs.3,87,353/- towards compensation determined to the credit of E.P.Nos.4 and 5 of 2014 in A.S.Nos.174 and 374 of 2003 for the landed property under attachment, even though it was demanded and that unless the arrear due with interest and other charges is paid before 20-07-2019, the landed property would be brought to sale in due course.

3. The said notice is assailed in this Writ Petition on the ground that it was addressed to a dead person; that the petitioner was a *bona fide* purchaser of the subject property in the year 1998 from Sri B.Shanker Singh who is the original vendor of the subject property and he was the member of the 4th respondent-society; that the petitioner was not a party to the earlier round of litigation; that the order passed in W.P.No.32428 of 2014 is not binding on him and therefore the liability cannot be fixed on him when he was not being a party.

4. From the reading of the order in W.P.No.32428 of 2014, it is apparent that the petitioners therein, who are owners of the land on which the 4th respondent-society formed a layout and sold the house plots to its members, contended that in A.S.Nos.174 and 374 of 2003 filed before this Court, enhancement of compensation was determined. The 4th respondent-society was also a party to those appeals. However, alleging that the amount of compensation determined was not paid, the land owners again had to file W.P.No.32428 of 2014. This Court passed the following order on 10-07-2018:

“Therefore, the 2nd respondent is granted six (06) weeks time from today to comply with the judgment and decrees in A.S.Nos.174 of 2003 and 374 of 2003 by depositing the compensation determined to the credit of E.P.No.4 of 2004 and E.P.No.5 of 2014 pending before the Senior Civil Judge, Mahabubnagar. Till the amount is deposited, the 2nd respondent or its members shall not be permitted to sell or alienate any of the plots owned by the members of the said Society. It is open to the 1st respondent as well as the State of Telangana represented by Principal Secretary, Revenue Department to sell the plots of the members of the 2nd respondent Society as well as the plots which are yet to be allotted by 2nd respondent for recovery of the compensation amount payable to the petitioners to satisfy the decree and judgment dt.02-04-2009 in A.S.Nos.174 of 2003 and 374 of 2003 and they shall proceed to do so, if within four (04) weeks period granted by this Court the 2nd respondent has not satisfied the decrees in A.S.Nos.174 of 2003 and 374 of 2003; and the Government of Telangana, after selling the property through distraint order proceedings under the A.P. Revenue Recovery Act, shall deposit the proceeds to the credit of E.Ps. referred to above. The 2nd respondent shall also pay costs of Rs.50,000/- (Rupees Fifty Thousand only) to the petitioners.”

5. In terms thereof, the 4th respondent-society or its members are required to deposit the amount towards payment of compensation as determined. A direction was also issued therein to the State of Telangana and the Land Acquisition Officer-cum-Revenue Divisional Officer, Mahabubnagar, who are respondent Nos.1 and 2 herein, to recover the money payable to the petitioners/land owners after selling the property and to deposit the money to the credit of E.Ps., if the compensation amounts are not deposited by the 4th respondent-society or its members within the time granted by the Court. As the amounts as directed were not deposited, the impugned notice was issued.

6. Petitioner is aware of the orders passed by this Court. Though the learned counsel for the petitioner sought to contend that notice is issued to a dead person, he has not placed on record any material to show that the 3rd respondent-Tahsildar was aware that the said person died long ago and that he sold the property to the petitioner and in spite of his knowledge, the 3rd respondent-Tahsildar issued the impugned notice. Be that as it may, the petitioner cannot plead that he is not aware that the impugned notice was issued in pursuance to the directions issued by this Court in W.P.No.32428 of 2014.

7. The orders passed by this Court in W.P.No.32428 of 2014 are required to be complied by the society and its members and the petitioner as purchaser of the said property from one of the

members of the society viz., B.Shanker Singh, who claims to have died, he is also equally bound by the orders issued in W.P.No.32428 of 2014. In an independent Writ Petition, petitioner cannot seek to scuttle the implementation of directions issued by this Court.

8. I do not see any error in the impugned notice warranting interference by this Court.

9. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail remedy, if any, available in law. Pending miscellaneous petitions shall stand closed.

18-07-2019
kvr

P.NAVEEN RAO,J

