

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12059 of 2008

ORDER:

Heard.

2. The land acquisition proceedings which were set in motion under the Land Acquisition Act, 1894 (for short 'the Act of 1894'), culminated in passing an award on 29.12.2006. Total land covered by this award is Acs.233.15 guntas, which includes dry land to an extent of Acs.9-24 guntas in survey No.50 situated at Umdam Village, Talamadugu Mandal. From out of the said land, petitioner claims that he is entitled to compensation in respect of land to an extent of Acs.3-10 guntas, however, the name of second respondent was shown as the owner in respect of the said land and compensation was sought to be paid to the second respondent. Petitioner challenges the said decision of the respondent-Land Acquisition Officer in identifying the second respondent as the owner of the land to the extent claimed by the petitioner. In this writ petition petitioner prays to declare the action of first respondent in not referring the award dated 29.12.2006, approved on 08.01.2007, to Civil Court as illegal and unconstitutional and consequently seeks a direction to refer the award to the Civil Court.

3. This Court by order dated 19.06.2008 granted interim stay as prayed for.

4. Learned Government Pleader produced record concerning the said property.

5. As can be seen from the record, on 02.08.2008 the Special Deputy Collector referred the Award to the Court of Senior

Civil Judge, Adilabad, under Sections 30 & 31 (2) of the Act of 1894 for resolution of the dispute with reference to entitlement of compensation duly enclosing a cheque for an amount of Rs.3,57,500/-. By endorsement dated 06.08.2008, the learned Senior Civil Judge returned the papers on the ground that W.P.No.12059 of 2008 is pending before this Court wherein this Court granted interim stay and there are no specific directions to accept the cheque. The matter stands at that stage in view of the pendency of this writ petition.

6. Learned counsel for the petitioner as well as the learned Government Pleader agreed for disposal of the writ petition.

7. Having regard to the said submissions, the writ petition is disposed of directing the Revenue Divisional Officer-Land Acquisition Officer (Mathadivagu Project), Gaddemma Vagu Project, Adilabad, to re-present R.C.No.B/46/2008 before the competent Court for reference under Sections 30 and 31 (2) of the Act of 1894. The proceedings which were pending under the Act of 1894 shall continue. Having regard to the long delay caused in the issue, concerned Court is requested to expedite the hearing of the case.

Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs. Interim stay granted by this Court stands vacated automatically.

P.NAVEEN RAO, J

10th June, 2019.
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