

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.18593 OF 2021

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Irrigation & Command Area Development, learned Government Pleader for Finance & Planning and the learned Government Pleader for Land Acquisition for the respondents. With their consent, this Writ Petition is disposed of at the stage of admission itself.

Aggrieved by the inaction of the respondents in depositing the decretal amount to the credit of E.P.No.18 of 2020 in O.P.No.52 of 2014 on the file of the learned Senior Civil Judge at Gadwal, Mahabubnagar District, the present writ petition is filed.

Learned Government Pleader, on instructions, has stated that the official respondents are taking necessary steps to deposit the amounts and that as and when the amounts are received, the authorities will deposit the compensation amount.

As can be seen from the record, the notification under Section 4 (1) of the Land Acquisition Act, 1894, was issued way back on 18.02.2013 and the Award was passed on 03.10.2013. Subsequently, the compensation amount was enhanced fixing the market value of the property at one time more than the amount determined and awarded by the Land Acquisition Officer, by virtue of the order and decree dated 09.05.2019 passed in O.P.No.52 of 2014 by the learned Senior Civil Judge, Gadwal, and the said order has become final as no appeal was preferred questioning the same.

Having regard to the above backdrop of the case, this Court is of the considered view that the authorities cannot take their own time to deposit the amounts which are already enhanced by the

competent Court. The inaction of the respondents in paying the enhanced compensation amounts in time to the petitioners, who are already suffering from the loss of their lands, would make them also to suffer untold hardship and misery and run from pillar to post for getting the enhanced compensation deposited and incur expenses for the same. They will also have to incur additional expenditure for approaching the Court for seeking the required relief. With the rising inflation, the value of the money will also go down and the delayed payment of the enhanced compensation will result in the compensation amount itself losing all the charm and utility. If the petitioners or similarly situated persons receive the enhanced compensation within the time, they will be in a position to use that amount in some other investments and get some returns over the same.

Further, in **BHIMIDIPATI ANNAPOORNA BHAVANI V/s. LAND ACQUISITION OFFICERⁱ**, while dealing with similar issue, the Larger Bench of this Court has held as under:

“One of the self-imposed restrictions is that High Court generally refrains from entertaining a writ petition when there is adequate and efficacious alternate remedy available to a party, and, when such alternate remedy available is a statutory remedy, such statutory remedy has been duly exhausted. Availability of such alternate and efficacious or statutory remedy itself is not a bar in entertaining a writ petition in the given facts and circumstances. We need not multiply the circumstances in which such discretionary power may be exercised by the Court in such matters despite availability of such alternate, adequate and efficacious remedy. But the limits as noticed in **B.GOVINDA REDDY**’s case *supra* by a learned Single Judge of this Court are sufficient that in cases arising out of the Act where the amount of compensation, finally determined has not been paid, a person must first resort to the alternate efficacious remedy of taking

out execution and when despite taking out execution proceedings, if there is any delay caused on the part of authorities, resort can be had to filing of a writ petition in this Court and, this Court, while exercising its discretionary jurisdiction, in appropriate cases, may issue directions for immediate deposit of the amount of compensation by the State Government or the authorities on whose behalf the land has been acquired.”

At this stage, learned Government Pleader for Land Acquisition sought four months time from today to deposit the amount to the credit of the E.P.

For the afore-stated reasons and the law laid down by the Larger Bench of this Court in the above referred judgment, the official respondents are directed to deposit the enhanced compensation amount, in terms of the order and decree dated 09.05.2019 passed in O.P.No.52 of 2014 by the learned Senior Civil Judge, Gadwal, to the credit of E.P.No.18 of 2020, as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions pending in this writ petition, if any, shall stand closed in the light of this final order.

K.LAKSHMAN, J

Date: 18.08.2021
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ⁱ 2005 (3) ALD 233 (LB)