

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO.21089 OF 2020

ORDER:

This petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue an order, direction or Writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying the compensation amounts to the petitioners for acquiring the lands, as laid down by the Hon’ble Supreme Court in the cases reported in AIR 1988 SC 2123 (K.Krsihna Reddy and Others Vs. Special Deputy Collector, Land Acquisition Unit II, Karimnagar) and in AIR 2012 SC 1624 (Premji Nathu Vs. State of Gujarat & Anr.), as illegal, void, arbitrary, unfair, unjust against the provisions of a welfare legislation, namely, Land Acquisition Act, and unconstitutional, being violative of rights of the petitioner enshrined under Article 14, 21, 300-A of the Constitution of India, and direct the respondents to pay compensation to the petitioners in accordance with law ...”

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition. With their consent, the Writ Petition is being disposed of at the stage of admission.

3. The petitioners’ lands in different extents as mentioned in the affidavit filed in support of the Writ Petition were acquired for the foreshore submersion of Kandaleru Reservoir under Telugu Ganga Project pursuant under the Draft Notification dated 22-03-1987, issued by the respondents. The Land Acquisition Officer passed an Award No.11/1989-90, on 31-07-1989. On reference in LAOP.No.4 of 1990, a judgment was passed on 19-10-2001 enhancing the compensation. Against the same, the petitioners preferred an appeal to the Hon’ble Common High Court at Hyderabad in A.S.No.407 of 2004 and the compensation was further enhanced vide common judgment dated 04.10.2017 and no appeal was filed by the State.

Thus, there is no dispute of quantum of compensation payable to the petitioners. No compensation is deposited to the petitioners till today.

4. Learned counsel for the petitioners submits that even after lapse of three years, from the date of judgment, the respondents failed to deposit/pay compensation to the petitioners, as such the petitioners are discriminated in as much as some of the claimants whose lands were acquired along with the petitioners' lands have been paid compensation; however, due to reasons not known to the petitioners, they were not paid compensation so far. Learned counsel also submits that the claimants, due to discrimination as well as non payment of the compensation, the petitioners are seriously prejudiced and under those circumstances, the petitioners are constrained to approach this Court.

5. The learned Assistant Government Pleader for Land Acquisition, on instructions, submits that the proposals for payment of compensation are in process, but the same would take some considerable time to finalise the same. Accordingly, he seeks Four months time for making/depositing the amounts towards the compensation.

6. Considering the submissions made by both the parties, this is a matter where the petitioners' lands were acquired in the year 1989 and the compensation has not been paid even after the matter has attained finality. The petitioners are entitled for the lawful compensation as determined by the Courts of Law and they cannot be deprived of fruits of the order due to undue delays. In the present case, there is no dispute with regard to determination and nothing prevented the respondents to deposit/pay the compensation due and

payable to the petitioners. Though this Court is not inclined to go into the aspects of the discrimination, however finds justification in the submissions made by the learned counsel for the petitioners that the petitioners are deprived of enjoying the fruits of the orders passed in their favour due to delay on the part of the respondents. Under the said circumstances, the respondents are directed to deposit/pay the compensation in respect of the lands acquired from the petitioners, within a period of four (4) weeks from the date of receipt of copy of the order.

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

As a sequel, all the pending miscellaneous applications, if any, shall stand closed.

Date: 17.11.2020

Pnr

JUSTICE D. RAMESH

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO.21089 OF 2020

Date: 17-11-2020

Pnr