

THE HON'BLE SRI JUSTICE D.RAMESH**WRIT PETITION NO.21812 OF 2020****ORDER:**

The Writ Petition is filed under Article 226 of Constitution of India seeking to declare the action of the respondents in not paying the compensation amounts to the petitioners for acquired land, as laid down by the Hon'ble Supreme Court in the cases reported in AIR 1988 SC 2123 (K.Krishna Reddy and others Vs. Special Deputy Collector, Land Acquisition Unit II, Karimnagar and in AIR 2012 SC 1624 (Premji Nathu Vs. State of Gurajat and other) as illegal, arbitrary and against the provisions of a welfare legislation, namely, Land Acquisition Act, and violative of rights of the petitioner enshrined under Articles 14, 21, 300-A of the Constitution of India and direct the respondents to pay compensation to the petitioners.

2. The grievance of the petitioners in the present writ petition is that the respondents have not taken any steps to deposit/pay the enhanced compensation amounts for the land acquired from the petitioners and therefore sought a direction to the respondents to deposit/pay the compensation to the petitioners. The petitioners' lands in different extents as mentioned in the affidavit filed in support of the writ petition, were acquired for the foreshore submersion construction of Kandaleru Reservoir under Telugu Ganga Project, pursuant to notification dated 31.7.1990 issued by respondents. The Land Acquisition Officer passed an award on 20.01.1992 and on a reference in L.A.O.P.No.2 of 1991, a judgment was passed on 18.3.2002, enhancing the compensation. Against the same, the petitioners preferred an appeal to the Hon'ble Common High Court at Hyderabad in L.A.A.S.No.1754 of 2004 and the compensation was further enhanced vide Judgment dated 13.10.2017. The State

aggrieved by the said enhancement, carried the matter by way of a Special Leave petition vide SLP(Civil) Diary No.21072 of 2018 and the Hon'ble Supreme Court dismissed the said SLP filed by the State on 27.07.2018. Thus, the compensation payable to the petitioners has been confirmed by the Hon'ble Supreme Court. Despite the said position, the compensation has not been paid to the petitioners, till today.

3. The learned counsel for the petitioners submits that the respondents even after lapse of two years failed to deposit/pay compensation to the petitioners which has attained finality by virtue of the order of Hon'ble Apex Court. He states that 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. The learned counsel also states that the claimants, in respect of whom orders were passed by the Hon'ble Supreme Court in September, 2018 have received the compensation. The learned counsel states that 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.

4. The learned Assistant Government Pleader for Irrigation 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 payment/depositing the amounts towards the compensation.

5. Considered the submissions made by both the parties. This is a matter where the petitioners' lands were acquired in the year 1990 and the compensation has not been paid even after the matter has

attained finality in the year 2018 by virtue of the orders passed by the Hon'ble Supreme Court of India. 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 delay. 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.

6. Under the said circumstances, the respondents are directed to deposit/pay the compensation in respect of the land acquired from the petitioners, within a period of four (4) weeks from the date of receipt of a copy of the order.

Accordingly, the Writ Petition is disposed of. No costs.

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

JUSTICE D.RAMESH

Date: 23.11.2020
RD

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.21812 of 2020

Dated 23.11.2020

RD