
(2004) 02 AP CK 0067

In the Andhra Pradesh High Court

Case No : Writ Petition No. 18244 of 2002

Antharam Sundaraiah and Others

APPELLANT

Vs

State of A.P. and Others

RESPONDENT

Date of Decision : 20-02-2004

Acts Referred:

Land Acquisition Act, 1894 — Section 11, 18

Citation : (2004) 2 ALD 499 : (2004) 3 ALT 360

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : M. Laxman, for the Appellant; Government Pleader for Land Acquisition, for the Respondent

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J.—This case discloses either the indifference or lack of basic knowledge on the part of the Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad R.R. District, who passed the Award dated 27.11.1995 in respect of the lands of the petitioners.

2. By a notification dated 18-5-1994, an extent of Ac.21-36 guntas of land of Naskal Village of Pargi Mandal, Ranga Reddy District belonging to the petitioners and certain others was acquired for the purpose of formation of irrigation tank. An Award was passed on 27.11.1995 by the Revenue Divisional Officer-cum-Land Acquisition officer, the 2nd respondent herein. He fixed the market value at Rs. 7,000/- per acre and awarded different amounts to various land holders. Petitioners 1 to 3 were awarded a sum of Rs. 2,57,356/-.

3. So far as the Petitioners 1 to 3 are concerned, the 2nd respondent paid only a sum of Rs. 70,690/- and did not pay the balance of Rs. 1,87,666-00. He paid the entire compensation to Petitioners 4 to 11. All the petitioners submitted applications to the 2nd respondent to refer the matter to Civil Court for enhancement of compensation. Through memo dated 13.8.2002, another

incumbent of the 2nd respondent refused to accede to the request on the ground that the entire compensation was not paid. Petitioners challenge the action of the respondents in this regard.

4. A counter-affidavit is filed on behalf of Respondents 2 and 3. The fact that the lands of the petitioners were acquired and part of the compensation payable to the Petitioners 1 to 3 is withheld is not disputed. It is however, stated that the amount could not be paid since the irrigation department did not make the funds available. Refusal to refer the matter to Civil Court is sought to be justified.

5. Heard the learned Counsel for the petitioners and the learned Government Pleader for Land Acquisition.

6. The respondents have acquired an extent of Ac.21-36 guntas of land for the purpose of establishing irrigation tank. Notifications u/s 4(1) and (6) of the Land Acquisition Act (for short "the Act") were published and award enquiry was undertaken. After considering the claims of the respective land holders, the 2nd respondent passed an order dated 27-11-1995. He does not appear to have realized that the question of pronouncing an award would arise if only necessary funds are available and the compensation as determined under the award is offered to the land holders. He proceeded to pronounce the award, though sufficient funds were not made available. He awarded a sum of Rs. 2,57,356/- to petitioners 1 to 3 but had paid only Rs. 70,690/-. Though almost a decade elapsed, the balance of Rs. 1,86,666-00 remains unpaid. It is not as if the Government is starved of funds and did not spend any amount in the interregnum. Except indifference and lack of respect for rule of law, there does not any exist any other justification for such a blatant violation of law. Strictly speaking, the award, insofar as it relates to the lands of Petitioners 1 to 3, can be said to be non-existent.

7. The 2nd respondent did not stop with this, in his total disrespect to the settled principles of law. When petitioners submitted the applications seeking reference, he has tried to put premium on his own blatant illegality and he refused to refer the matter u/s 18 of the Act, on the ground that an amount of Rs. 1,87,666-00 is yet to be paid. There cannot be a better example of inefficiency, indifference and lack of regard for rule of law than this. It is rather sad that an officer, sitting right in the capital of the State resorts to such blatant illegalities and all his superiors digest these violations of laws. The petitioners had to approach this Court seeking remedy. Even filing of writ petition does not appear to have had an impact on the respondents. They have not only deprived some of the petitioners the compensation awarded by the 2nd respondent himself, but also have denied the right of the petitioners u/s 18 of the Act.

8. Under these circumstances, the writ petition is allowed directing that

(a) the 2nd respondent shall pay the balance of compensation to the Petitioners 1 to 3 by 31st March, 2004 duly calculating the interest, as though the award is passed on the date of making such payment, in respect of the balance amount of

Rs. 1,86,666/-.

(b) in case the respondents fail to pay the compensation as directed, they shall be under an obligation to restore the proportionate extent of land of Petitioners 1 to 3 and pay damages at the rate of Rs. 5,000/- per acre from the date of taking possession.

(c) the 2nd respondent shall refer the matter to Civil Court in respect of the claims of Petitioners 4 to 11 forthwith and take further steps as regards Petitioners 1 to 3 in the first week of April, after compliance with the conditions (a) and (b).

(d) The respondents shall pay an amount of Rs. 3,000/- to the petitioners towards costs.