
(1989) 03 AP CK 0017

In the Andhra Pradesh High Court

Case No : Writ Petition No. 698 of 1989

Bala Swamy and others

APPELLANT

Vs

Govt. of A.P. and others

RESPONDENT

Date of Decision : 24-03-1989

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1990 AP 135

Hon'ble Judges : Radhakrishna Rao, J

Bench : Single Bench

Advocate : S. Venkateswara Reddy, for the Appellant; Govt. Pleader for L.A., for the Respondent

Judgement

Radhakrishna Rao, J.

1. The petitioners, who are 145 in number, seek a writ of mandamus directing the respondents to pay the compensation amount due to them in the land acquisition proceedings. In this case, the award has already been passed and the parties approached the Civil Court for enhancement of the compensation. The Civil Court accepted their contention and enhanced the compensation. Aggrieved against the said judgment, the Govt. preferred an appeal before this Court, but this Court directed the Government to deposit the amount. The only remedy that is available to the petitioners for recovery of the amount is by filing an execution petition as contemplated under O.21, C.P.C. Order 21, C.P.C. provides for the machinery in the event of not paying the amount. When specific remedy is available for recovery of the I amount, the petitioners cannot invoke the jurisdiction of this Court under Art. 226 of the Constitution. In a case where the party has get a remedy under O.21, C.P.C. for executing the decree that has been duly passed by the competent Civil Court, the jurisdiction of this Court under Art. 226 of the Constitution is ousted. A Division Bench of this Court consisting of Jayachandra Reddy and Panduranga Rao, JJ. in W.A. No. 1044 of 198S, dated 12-7-1988 took the same view.

2. The writ petition is accordingly dismissed. No costs. Advocate's fee Rs. 100/-.
3. Petition dismissed.