
(2014) 03 AP CK 0179
In the Andhra Pradesh High Court
Case No : Writ Petition No. 13152 of 2006

Nagosha Pochha

APPELLANT

Vs

The Special Deputy Collector

RESPONDENT

Date of Decision : 12-03-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Land Acquisition Act, 1894 — Section 10, 12(2), 18, 18(2), 23(1)

Citation : (2014) 3 ALD 544 : (2015) 1 ALT 790 : (2015) ALT(Rev) 113

Hon'ble Judges : Akula Venkata Sesha Sai, J

Bench : Single Bench

Advocate : Ramachander Rao Vemuganti, Advocate for the Appellant; S. Surender Reddy for Respondent Nos. 2 to 6, Advocate for the Respondent

Final Decision : Allowed

Judgement

A.V. Sesha Sai, J.—This writ petition, under Article 226 of Constitution of India, is filed, seeking a direction to first respondent/Special Deputy Collector and Land Acquisition Officer, Sri Komaram Bheem Project, to refer the matter to Civil Court for adjudication of the dispute as to title and payment of compensation amount payable for the acquired land, admeasuring Ac.5.09 guntas in Survey No. 12 of Goyageon Village, Kerameri Mandal, Adilabad District, u/s 30 of the Land Acquisition Act, 1894 (for short "the Act"). Heard Sri Ramachander Rao Vemuganti, learned counsel for petitioners, learned Government Pleader for Land Acquisition for first respondent and Sri S. Surender Reddy, learned counsel for respondents 2 to 6.

2. Briefly stated the case of the petitioners herein is as under:

Petitioners herein are brothers and are absolute owners, possessors and pattadars of the land mentioned in the above paragraph and the Pahanis for the years 1997-1998, 1999-2000, 2000-2001 and 2005-2006 reflect the names of the petitioners as occupants and enjoyers, but the patta wrongly stands in the name of respondents 2 to 6 and the petitioners herein have been in possession

and enjoyment of the land, but not respondents 2 to 6 and that respondents 2 to 6 have nothing to do with the" subject land. On the application filed by the first petitioner under the Record of Rights Act for mutation of patta, the claim was enquired into by conducting Grama Sabha and statements of the petitioners were recorded and the same were attested by witnesses. The Mandal Revenue Officer, Kerameri, passed an order vide Proceedings No. ROR/1130/2006 dated 06.04.2006, declaring first petitioner herein as owner and possessor of the subject land by deleting the names of respondents 2 to 6 as pattadars and the Revenue Authorities also issued pattadar passbook and title deeds in favour of the petitioners, as such the petitioners are the owners, possessors and pattadars of the subject land. The authorities acquired the subject land by publishing Draft Notification under sub-section (1) of Section 4 of the Act on 05.09.2005 for the purpose of construction of Komaram Bheem Project and the authorities did not issue any notices u/s 9(3) and 10 of the Act. Pending application made by the petitioners for mutation, the Mandal Revenue Officer, Kerameri, addressed letter bearing Rc. No. B 1130/2005 dated 18.02.2006 to the first respondent/Special Deputy Collector, requesting not to pay compensation amount. On 06.04.2006 the Mandal Revenue Officer issued Proceedings No. ROR/1130/2006, deleting the names of respondents 2 to 6 and entering the names of petitioners in pattadar column. On 11.06.2006, petitioner No. 1 filed an application before the first respondent herein, requesting to refer the matter to a competent Civil Court u/s 30 of the Act and the same was received by the first respondent on 13.06.2006.

3. In the above background, while apprehending contemplation for payment of compensation to respondents 2 to 6 by the first respondent herein, the present writ petition has been filed.

4. This Court on 29.06.2006 passed an interim order, directing the first respondent not to disburse the compensation amount.

5. In the counter-affidavit filed by the first respondent/Special Deputy Collector it is stated that by the time the Mandal Revenue Officer, Kerameri, issued proceedings No. ROR/1130/2006 dated 06.04.2006, the award enquiry was completed and the award was also passed on 13.03.2006 itself. It is further stated that none of the petitioners nor any agent represented before the Land Acquisition Officer before passing the award. It is further stated in the counter of the first respondent that the award was passed on 13.03.2006 basing on the village record i.e., Pahani for the year 2004-2005 issued by the Mandal Revenue Officer. The counter further states that since the petitioners herein did not file any, objection before passing of award on 13.03.2006 with any authentic documents, the first respondent was compelled to pay land compensation to the awardees as per record and eventually the counter declines the request for reference u/s 30 of the Act.

6. A counter-affidavit is also filed by respondents 2 to 6, denying ownership of the petitioners herein. It is also stated in the said counter that the petitioners were never in occupation of the lands. The said counter also pleads ignorance of

the orders of the Mandal Revenue Officer dated 06.04.2006 and also the petition filed by the petitioners on 11.06.2006 before the first respondent while stating that by that time respondents 2 to 6 already received compensation as per the award.

7. In the light of the above pleadings, submissions and contentions, now the point that arises for consideration of this Court is whether the petitioners herein are entitled for the relief as sought in the present writ petition?

8. The statement of the first respondent in the counter dated 23.09.2006 filed in the present writ petition that since the petitioners did not file any objection before passing of award on 13.03.2006 with any authentic documents he was compelled to pay land compensation to the awardees as per records, throws any amount of suspicion on the mode and manner in which the authorities conducted enquiry. The material on record further demonstrates, in a clear and unequivocal terms, that the Mandal Revenue Officer, Kerameri, vide letter Rc. No. B/1130/2005 dated 18.02.2006, while referring to various aspects, requested the first respondent not to pay the amounts till the disposal of the case under ROR Act and a copy of the same was also communicated to the Revenue Divisional Officer, Utnur. In spite of the same, the first respondent paid the amount in favour of respondents 2 to 6. It is significant to note at this juncture that on instructions it is reported by the learned Government Pleader that no papers pertaining to the payment made in favour of respondents 2 to 6 are available in the records.

9. This Court, on 29.06.2006, directed the first respondent not to disburse the compensation amount until further orders. The first respondent in his counter, except stating that he was compelled to pay land compensation, does not indicate the, date of such payment. Similarly, the counter of respondents 2 to 6 is also absolutely silent as to when they received the amount of compensation and the particulars of such payment. The authorities, while discharging functions under a statute, are required to discharge their functions by keeping in view the object and intention behind such legislation and are required to be more careful and cautious and transparent in their actions.

10. In the instant case, in the considered opinion of this Court, the respondent authorities failed to adhere to such a sacred duty. The counter deposed by the first respondent herein is also silent in regard to the letter dated 18.02.2006 addressed by the Mandal Revenue Officer, requesting not to pay compensation amount on the ground of pendency of ROR case. The first respondent, on the other hand, is trying to justify his action by pleading that till date the Mandal Revenue Officer did not communicate mutation report. This conduct on the part of the first respondent is highly reprehensible and preposterous besides being callous and cavalier and such conduct deserves deprecation. By virtue of this conduct, the claim of the petitioners under a statute is sought to be frustrated and defeated and for which action on the part of respondent authorities this Court cannot remain as a silent spectator, particularly when the statutory and

constitutional rights are sought to be made redundant.

11. Learned counsel for the petitioners to bolster his submissions and contentions placed reliance on the judgments of the Hon'ble Apex Court in *Dr. G.H. Grant Vs. State of Bihar*, *Yerra Papaiah v. Land Acquisition Officer-cum-District Social Welfare Officer, Warangal 1978 AndhWR (2)595*, *Arulmighu Lakshminarasimhaswamy Temple Singirigudi Vs. Union of India (UOI) and Others*, *Union of India (UOI) Vs. Pramod Gupta (D) by L.Rs. and Others*, *P.K. Sreekantan and Others Vs. P. Sreekumaran Nair and Others*, *Sharda Devi Vs. State of Bihar and Another*, and also the judgment of this Court in *Shyam Rao Vs. Land Acquisition Officer (Spl.) cum-Dy. Collector Singoor Project of Sanga Reddy and others*, .

12. In *Dr. G.H. Grant v. The State of Bihar (supra)* the Apex Court at paragraph 19 held as under:

It was strongly pressed that under S. 31 of the Land Acquisition Act the Collector is bound to tender payment of compensation awarded by him to the persons entitled thereto according to the award and that implied that a right in the amount of compensation arises to the person to whom compensation is directed to be paid under the award, and, therefore, the only persons who can raise a dispute under S. 30 are those whose names are set out in the award. This contention stands refuted by the plain terms of S. 30. The Collector is not authorized to decide finally the conflicting rights of the persons interested in the amount of compensation: he is primarily concerned with the acquisition of the land. In determining the amount of compensation which may be offered, he has, it is true, to apportion the amount of compensation between the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have appeared before him. But the scheme of apportionment by the Collector does not finally determine the rights of the persons interested in the amount of compensation: the award is only conclusive between the Collector and the persons interested and not among the persons interested. The Collector has no power to finally adjudicate upon the title to compensation: that dispute has to be decided either in a reference under S. 18 or under S. 30 or in a separate suit. Payment of compensation, therefore, under S. 31 to the person declared by the award to be entitled thereto discharges the State or its liability to pay compensation (Subject to any modification by the Court), leaving it open to the claimant to agitate his right in a reference under S. 30 or by a separate suit

13. In *Yerra Papaiah v. Land Acquisition Officer-cum-District Social Welfare Officer, Warangal (supra)* this Court at paragraph 5 held as follows:

This argument would have had some force if the Land Acquisition Officer had considered the case of the petitioners in their application to refer the dispute u/s 30 of the Act and then stated that he did not consider this a fit case for making a reference and that they should agitate their claims in a civil suit. In this case, the

Land Acquisition Officer proceeded on the footing that he had no jurisdiction at all to make a reference u/s 30 after the award was passed. This assumption is wholly unjustified in view of the decision of the Supreme Court referred to above. I consider therefore this a fit case for quashing the order of the Land Acquisition Officer and directing him to consider the application for reference u/s 30. There can be no doubt that if really the petitioners make out a prima facie case that they are the protected tenants, they will be persons entitled to a share of the compensation and hence they are persons who are aggrieved by the award. The Land Acquisition Officer will consider whether having regard to all the circumstances of the case he should make a reference u/s 30 of the Act or direct the petitioners to file a suit in a civil Court.

14. In *Arulmighu Lakshminarasimhaswamy Temple Singirigudi v. Union of India and others* (supra) the Apex Court at paragraph 2 observed as under:

On the admitted facts, the approach of both the learned Single Judge and of the Division Bench in the writ petition and the WA No. 1358 of 1995 indicated in the impugned order made on 30.1.1996 cannot be sustained. Notification u/s 4(1) of the Land Acquisition Act, 1894 was published on 4.6.1987 acquiring the land in question for the public purpose. After compliance of the notice under Sections 9 and 10 of the Act and enquiring, the award came to be passed by the Land Acquisition Officer on 7.2.1990. The possession thereafter was taken on 30.10.1990. The question, therefore, would be: what would be the proper procedure to be adopted in case of dispute as to title of the land acquired under the Act? The learned Single Judge declared title of the petitioner in the writ petition and the Division Bench directed the civil court to decide the title. Both views are obviously erroneous in law. The Land Acquisition Officer has to determine the extent of the land, the persons entitled to compensation and the compensation to be determined u/s 23(1) of the Act. If he finds that there is any dispute as to the person entitled to receive the compensation, necessarily he has to deposit the amount u/s 31 of the Act into the court to which reference would lie. On such a dispute having arisen, he has to make a reference to the court u/s 30 of the Act to decide the dispute between the competing persons who set up rival title to the compensation. Under those circumstances, the only legal course open is that a direction be issued to the Land Acquisition Officer to make a reference u/s 30 to decide the inter se title to receive the compensation either by the appellant or by the fourth respondent, as the case may be and the Reference Court would decide the matter in accordance with law.

15. In *Union of India v. Pramod Gupta* (supra) the Apex Court at paragraph 145 held as under:

It is not in dispute that the inter se disputes between the parties are pending decision in several first appeals before the High Court in terms of Sections 30 and 31 of the Land Acquisition Act. The respondents herein as also the interveners are persons interested but the question as regards their entitlement to the amount of compensation determined by the High Court is yet to be

determined. The Division Bench of the High Court, however, despite noticing that the first appeals are pending wherein the inter se dispute/claims between the parties are to be adjudicated upon, without any application made by Shri Gupta HUF has authorized it to collect the entire amount of compensation directing:

The amount of compensation has thus to be realized, received and withdrawn only by the karta of L.R. Gupta HUF, through Shri L.R. Gupta. The amount of compensation, therefore, deserves to be paid to L.R. Gupta HUF through its karta Shri L.R. Gupta. Ordered accordingly.

It is interesting to note that the said direction had been passed on an application filed by Shri Rajiv Supta for deletion of the three names of Shri Sanjay Supta, Smt. Sumangli Gupta and Shri L.R. Supta and for continuing with the proceedings in his name and in the name of Smt. Pramod Supta, inter alia, on the ground that the bhumidhari rights continued to remain in his name and in the name of Smt. Rramod Supta only and not on any application filed by any party to the said proceeding in this behalf. We fail to appreciate as to how the aforementioned directions had been made by the High Court on the application made by Shri Rajiv Supta.

16. In *P.K. Sreekantan v. P. Sreekumaran Nair* (supra) the Apex Court at paragraph 16 observed as under:

However, it is to be noted that there is no time-limit for seeking reference u/s 30 of the Act, though it should always be done within a reasonable time. The reasonableness of time flows from the need for a finality to judicial proceedings.

17. In *Sharda Devi v. State of Bihar* (6 supra) the Apex Court at paragraph 37 held as follows:

However, we would like to clarify our decision by sounding two notes of caution. Firstly, the quashing of the proceedings u/s 30 of the Land Acquisition Act would not debar the State from pursuing such other legal remedy before such other forum as may be available to the State Government and on the merits and the maintainability thereof we express no opinion herein. Secondly, the situation in law would have been entirely different if the title of the appellant would have come to an end by any event happening or change taking place after the making of the award by the Collector as was the case in *Dr. G.H. Grant Vs. State of Bihar*, . The title of Dr. Ghosh had come to an end by change of law referable to a date subsequent to the making of the award. In this context it was held "there is no reason why the right to claim a reference of a dispute about the person entitled to compensation may not be exercised by the person on whom the title has devolved since the date of the award" (SCR p.585 G) and "there is nothing in Section 30 which excludes a reference to the court of a dispute raised by a person on whom the title of the owner of land has, since the award, devolved.

18. A Division Bench of this Court in *Shyam Rao v. L.A.O.* (supra) held as under:

The reference under S. 18 of the Land Acquisition Act, 1894 is not merely

confined to the question of enhancement of compensation but may also be in respect of the measurement of the land, the persons to whom it is payable or the apportionment of the compensation among the persons interested. Under S. 18 the reference is at the instance of persons present or represented before the Collector at the time when the award is made or the persons on whom there is notice of the filing of the award under S. 12(2). Others could seek reference under S. 30. The Collector could also make a reference suo motu wherever he considered that complicated questions of fact and law are involved. However, a person covered by S. 18, who failed to seek a reference under S. 18 within the period of limitation cannot ask the Collector to exercise his powers under S. 30 nor could he file a suit. Only those not falling under S. 18, could seek a reference under S. 30 or file a suit.

Coming to the question of distribution of the compensation amount as per the award, it is provided in S. 31(1) that such distribution could be made by the Collector unless he is "prevented" by some one or more of the "contingencies" mentioned in sub-section (2) of S. 31. It is necessary to refer the contingencies mentioned in S. 31(2):

S. 31(2):--If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under S. 18 would be submitted,

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount.

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under S. 18,

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

Therefore, the three contingencies which "prevent" payment by the Collector as per the award are : where the persons interested shall not consent to receive the compensation, where there is no person competent to alienate the land, and "if there be" any dispute as to the title to receive the compensation or as to the apportionment of it.

As pointed out above, one of the contingencies referred to in S. 31(2) can be said to have occurred "if there be any dispute, as to title to receive the compensation or as to apportionment of it, such dispute arising in the course of the award inquiry itself. The words "there be any dispute", in our view, do not mean that there must have arisen a fresh dispute after the passing of the award by the Collector. The contingency refers to the dispute which has already arisen in the award inquiry and in such a case, the Collector is statutorily "prevented"

from making any payment as per the award and he is bound to wait and see till the expiry of the period of limitation under S. 18(2), whether any of the parties to the award is not satisfied with the title to the compensation or its apportionment as decided by him. If any such reference is sought for under S. 18 to the civil Court, he is bound to deposit the compensation - at any rate, the disputed part of the compensation - in the civil Court along with the reference under S. 31(2). The idea is that the amount should be "ready" for disposal as soon as the Civil Court, acting on the reference, decides the question of title and apportionment.

It is, however, argued that the words "prevented" used in S. 31(1) and the words "stop" used by the Division Bench of this Court in *G. Venkata Reddy v. K. Krishna Rao*, meant that unless the Collector is "prevented -or stopped" afresh, after the passing of the award, from distributing the compensation as per the award, he could distribute the same notwithstanding the existence of any of the contingencies in S. 31(2). In our view, this contention cannot be accepted. The "prevention or the stoppage" of the distribution flows directed by force of the statute itself and no fresh action by the parties is contemplated. If there had been a dispute as to title or apportionment in the award inquiry the Collector cannot distribute the compensation amount on the basis of the award before the expiration of the period of limitation specified in S. 18(2).

If, however, the Collector has by mistake or otherwise, distributed the compensation as per the award and without obeying the mandate of S. 31(2), what is the remedy of the parties is the next question.

We shall refer to several important aspects that arise in connection with the procedure to be adopted by the reference Court for recovering back the disputed amount paid away by the Collector without deposit into Court in spite of the happening of the contingencies mentioned in S. 31(2) : Is it open to the Civil Court which is dealing with the reference, to exercise powers over the Collector and direct him to deposit the disputed amount in Court, if so, can the Court direct such a deposit only after disposal of the reference or as an interim measure pending disposal of the reference; can the Court issue such directions not merely to the Collector but also to the party who has received the disputed amount from the Collector; if the Court is to direct the Collector to make an interim deposit or a deposit at the time of disposal of the reference, what are the remedies of the Collector against the party to whom he has paid the disputed amount earlier; is the Court's power to direct deposit traceable to the main part of S. 31(2) and the incidental powers attributable to that power or to the inherent power of the Court; what is the purpose of the 3rd proviso to S. 31(2) and is it applicable only to cases of superior claims established in a suit or in any further reference under S. 30?

In our view, the answers to these issues can be arrived at by examining the legislative purpose of the main part of S. 31(2) itself. As pointed out by the Supreme Court in *G.H. Grant v. State of Bihar*, the Collector's determination of

the conflicting rights of the parties in the award is not final even in respect of the parties before the Collector in case a reference is sought for under S. 18(2). If the contingencies referred to S. 31(2) occur, he has a mandatory duty to make a reference and also to deposit the disputed compensation in the civil Court after waiting till the expiry of the period of limitation mentioned in S. 18(2) and in case a reference is sought for. The legislative intendment is" that the Court and not the Collector is to be the final arbiter of the question of title in the reference under S. 18, so far as the parties to the award are concerned. The scheme of the Act is therefore that the disputed amount must be deposited in the reference Court so that the Court could invest the same under S. 32 and then distribute the same to the parties as per its judgment, (subject of course to the other provisions of C.P.C.). The Collector cannot send an incomplete reference to the Court without sending the disputed amount to Court along with the reference. The Court therefore has the incidental power to direct the Collector to deposit the money before it so that the reference could be made complete. We are therefore of the view that the power to issue directions to the Collector is clearly incidental to the provisions of the main part of Section 31(2).

Looking at the matter from another angle--the purpose of the deposit being its availability for distribution at the time of disposal of the reference, the Court must be deemed to have inherent powers so as to make its final orders effective, efficacious and meaningful. Every Civil Court has inherent powers to pass interlocutory orders so that its final orders can achieve the real purposes for which they are intended, and here, the purposes of adjudication of rights and immediate distribution. Therefore the powers to direct deposit by the Collector pending the reference are incidental and inherent in the Court.

Our view as stated above is consistent with the opinion expressed by a Division Bench of the Madras High Court in Deputy Collector, Cocanada v. Maharaja of Pittapur (AIR 1926 Mad. 492 (1)). That decision is in fact, binding on us. In that case, the Collector had paid away the disputed amount of compensation to one of the parties without depositing the same in the Civil Court. The Court no doubt did not direct any interim deposit but directed the Collector to deposit the amount into Court in view of its final decision in the reference. The Collector filed an appeal in the High Court contending that the Court had no such power and that, in any event, in view of the 3rd proviso to Sec. 31(2), the Court should have directed the party who has received the excess payment, to redeposit the same in Court. Rejecting the said contentions Wallace and Madhavan Nair, JJ. Observed that the direction granted by the Civil Court, at the time of disposal of the reference was correct. The Collector ought to have made the deposit along with the reference and kept it ready for disbursement by the Court and by failing to do so, he could not be in a better position. The inference is that the Madras High Court accepted that the Civil Court had such power under the main part of Secs. 31(2). This is made further clear from the view expressed by the learned Judges that the 3rd proviso to Sec. 31 was not applicable in such situations. It was applicable only if "Sec. 31(2) itself has been obeyed" i.e., where the

Collector has made a deposit as per Sec. 31(2) and the Court has paid away the amount as per its judgment. Obviously, the claim in such cases, for purposes of the 3rd proviso, could be only by persons who are not before the reference Court,--such as those who have filed a Civil suit, having not received notices under Sec. 9(2) or who have got a reference made under Sec. 30 later. We may add, that such persons could rely on the proviso even where the distribution is by the Collector and there has been no reference under Sec. 18. The judgment of the Madras High Court which accepts the power of the Civil Court to direct deposit at the time of disposal of the reference, leads also to the conclusion that the Court has an incidental or inherent power to direct an interim deposit by the Collector, pending reference, so that the money is readily available for distribution by the Court later.

We are also of the view, that the proper course is to direct not the party but the Collector, either as an interim measure or at the time of disposal of the reference by "z Court, to deposit the disputed amount with the Civil Court leaving it to the Collector to take such steps as he may deem fit in order to secure the interests of the State. Firstly, the Collector who is the person at fault must bear the responsibility. He cannot, as pointed out by the Madras High Court in *Deputy Collector, Coconada v. Raja of Pittapur* (AIR 1926 Mad 492 (1)), shift the risk or burden of recovering the disputed amount, to the reference Court or to those who succeed in the reference. Secondly, the legislative purpose of keeping the money for ready disposal by the Court is not likely to be achieved if the Court is to try to recover the amounts from the party. Thirdly, laying down such a principle is likely to result in more and more unauthorised and unwarranted disposals by the Collectors leading to uncertainty, prolonged litigation and lack of discipline. If the Collectors are made to deposit the monies in Court pending reference, the State will be in a position to keep track of such cases and if it thinks that the distribution of the monies was not for good reason but on account of any corrupt motives or misconduct, it could take action forthwith. Therefore we are of the view that the proper course would be for the Court to direct the Collector to deposit the monies into Court.

For the reasons given above, we hold that this is a fit case not only to direct the 1st respondent to make the reference under S. 18 but also to direct him to deposit in Court the sum of Rs. 1,74,756-94 in the Civil Court, along with the reference or, if the reference has already been made as directed by the learned single Judge, within two months from the date of receipt of this order. We accordingly so direct. After the amount is deposited, it shall be open to the Civil Court to invest the amount as per S. 32 of the Act. In case the claim of the appellant is negatived by the Civil Court it is needless to say that the Collector/L.A.O, is entitled to withdraw the amount from Court with interest accrued (hereon. It shall also be open to the Collector to take appropriate steps against respondents 2 to 7 either to get back the disputed amount of Rs. 1,74,756-94 from them or to ask them to furnish security. He can also apply to the reference Court for appropriate orders with regard to recovery of amount from respondents

in case such need arises in the light of Civil Court's judgment. The direction given by the learned single Judge to the 1st respondent to make a reference shall continue to remain in force. The writ appeal is allowed as stated above. There will be no order as to costs. Advocate's fee Rs. 250/-.

19. The factual narration in the present case drives this Court towards an irresistible conclusion that the first respondent herein failed to adhere to the provisions of the Land Acquisition Act and the principles laid down in the above referred judgments and paid the amount to the unofficial respondents herein in a hurried manner without even considering the letter of the Mandal Revenue Officer wherein the Mandal Revenue Officer requested the first respondent herein not to disburse the amount till the disposal of the ROR case. Non-indication of the date and other particulars of the payment made in favour of respondents 2 to 6 and the absence of papers pertaining to the same in the records would manifestly show the arbitrary and irresponsible behaviour on the part of Respondent Authorities in dealing with the rights in private properties of the citizens.

20. For the foregoing reasons and having regard to the principles laid down by the Hon'ble Apex Court and this Court in the above referred judgments, this writ petition is allowed, directing the first respondent herein to refer the matter u/s 30 of the Land Acquisition Act to a competent Civil Court along with the amount equivalent to the compensation amount stated to have been paid to respondents 2 to 6 within a period of three months from the date of receipt of a copy of this order. It shall be open to the Civil Court to invest the same as per Section 32 of the Act and in the event of claim of the petitioner being negated by the Civil Court, the first respondent is entitled to withdraw the amount from the Court with interest accrued thereon. It shall also open to the authorities to take appropriate steps against respondents 2 to 6 either to get back the disbursed amount or to ask them to furnish security. The first respondent is also entitled to apply to the Reference Court for appropriate orders with regard to recovery of amount from respondents 2 to 6 in case such need arises in the light of the Civil Court's judgment. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in consequence.