

***THE HON'BLE MR JUSTICE L. NARASIMHA  
REDDY***

**Writ Petition No.19467 of 2012**

**ORDER:**

The petitioners own various extents of land situated at Damercherla Village and Mandal, Nalgonda District. The same was acquired by the Government through a notification published under Section 4(1) of the Land Acquisition Act. Subsequently, an award was passed by the Land Acquisition Officer fixing the compensation at Rs.12,500/- per acre. On a request made by the petitioners, the matter was referred to the Court of Senior Civil Judge, Miryalagunda, which was taken up as O.P.No.59 of 1994. The trial Court passed a decree on 26.08.2000, enhancing the compensation to Rs.55,000/- per acre. A.S.Nos.1163, 1168, 826, 829 and 1164 of 1983 preferred by the petitioners against the same were dismissed by this Court. The same was confirmed by the Hon'ble Supreme Court and the decree is said to have become final.

The petitioners filed E.P.No.93 of 2008 for recovering the enhanced amount of compensation. Their grievance is that the respondents have not deposited the amount so far.

Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

There may have been justification for the respondents in not depositing the enhanced amount of compensation as long as the proceedings were pending before this Court or before the Supreme Court against the decree passed by the civil Court. Once the matter is assumed finality, the respondents

are under obligation to deposit the enhanced amount of compensation. Though the decree has to be enforced, in accordance with the procedure prescribed under Order XXI C.P.C., the State cannot abdicate its liability, to deposit the compensation once the property of the petitioners was acquired under a statute for a public purpose.

Hence, the writ petition is disposed of, directing that the respondents shall deposit the compensation payable under the E.P. filed by the petitioners within three (3) months from the date of receipt of a copy of this order.

The miscellaneous petition filed in this writ petition also stands disposed of. There shall be no order as costs.

**L. NARASIMHA REDDY, J.**

Dt.29.06.2012.  
JSU

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**Writ Petition No.19467 of 2011**

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**Date: 29.06.2012**

**JSU**