



2025:TSHC:41484

[3255]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE TWELFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR
:PRESENT:
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR
CIVIL REVISION PETITION NO: 166 OF 2024

Between:

1. The State of Telangana, Represented by its Principal Secretary, Forest Department, Secretariat Buildings, Hyderabad.
2. The Government of A.P., Forest Department, Rep., by its Divisional Forest Officer, Mahabubnagar, Mahabubnagar District (erstwhile) (Presently) Wanaparthy and Jogulamba Gadwal District.

...Petitioners / Respondents

AND

1. C. Raja Gopala chary (Died) L.Rs
2. C. Laxmana Chary, R/o. Anjanagari Village, Wanaparthy.
3. Laxmanna Chary Died Per L.Rs., 5 Sons,
4. Vishnuvardhan Chary, R/o. Anjanagari Village, Wanaparthy.

...Respondent / D.Hr / Plaintiff

WHEREAS the Petitioners above named through their Advocate GP FOR ARBITRATION presented this Petition under Section 115 of C.P.C, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to allow the revision petition by setting aside the orders passed in FA.No.1 of 1995 in EP.No.8 of 2012 dated: 29.12.2023 on the file of I Additional District Judge at Mahabubnagar.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of GP FOR ARBITRATION Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this CIVIL REVISION PETITION should not be admitted.

You viz:

1. C. Laxmana Chary, R/o. Anjanagari Village, Wanaparthy.
2. Vishnuvardhan Chary, R/o. Anjanagari Village, Wanaparthy.

are directed to show cause on or before 16-02-2024 to which date the case stands posted as to why in the circumstances set out in the petition and the memorandum of grounds filed therewith (copy enclosed) this CIVIL REVISION PETITION should not be admitted.

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of all further proceedings in E.P.No.8 of 2012 in F.A.No.1 of 1995 on the file of I Additional District Judge, Mahabubnagar District, pending disposal of CRP No.166 of 2024, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice.

Learned counsel for the petitioners is permitted to take out personal notice on respondents and file proof of service.

Learned Additional Advocate General appearing for the petitioners submitted that earlier the Government has issued a Notification vide G.O.Ms.No.782 dated 08.04.1971 under Sec.4 of A.P.Forest Act and notified the area of Forest land under Wanaparthi Reserve Forest and the same was published in State Gazette dated 12.08.1971. Thereafter, the area of Ac.809.08 gts consisting in Sy.No.6, 17/1 and 17/2 of Anjanagiri Village was acquired by the Government and the Forest Settlement Officer, Mahaboobnagar passed the Award dated 29.07.1995 in File No.A/764/C/1/71 and has determined the market value of the acquired land at Rs.1650/- per Acre and awarded the other benefits stipulated under the Land Acquisition Act.

Learned Additional Advocate General would further submits that aggrieved by the Award dated 29.07.1995 in File No.A/764/C/1/71, petitioners preferred Appeal *vide* F.A.No.1 of 1995 before the Additional District Judge, Mahaboobnagar and the Appellate Court *vide* order dated 09.06.2003 has allowed the same in part and fixed the market value of the acquired land to Rs.700/- per acre.

It is further submitted that Civil Revision Petition was preferred before this Court and this Court *vide* order dated 20.09.2007 has allowed the C.R.P.No.6432 of 2004 in part and enhanced the market value to Rs.1,000/-. Thereafter, the State preferred Special Leave to Appeal before the Hon'ble Supreme Court and the Apex Court has dismissed the CC.9906 of 2008.



Learned Additional Advocate General would submit that as per Sec.23(1-A) of the L.A.Act, the additional market value should be calculated at the rate of 12% per annum and on such market value for the period commencing on and from the date of the publication of the notification under Sec.4 of the act, to the date of the Award or the date of taking possession of the land, whichever is earlier. It is further submitted that in the instant case, the Forest Department has occupied the land from the date of notification. Thus, the respondents are not entitled for 12% additional market value of the land. The Government has also filed Revised calculation Memo stating that as on 06.01.2023, the total compensation amount payable by the petitioner is Rs.52,94,054/- only.

Learned Additional Advocate General has drawn attention of this Court to the order dated 29.12.2023 passed by the I- Additional District Judge, Mahabubnagar District in E.P.No.8 of 2012 in F.A.No.1 of 1995, which reads as under:-

“Heard both sides, Memo filed by the learned Government pleader by stating that the calculation filed by the D.Hr is not correct, but this Court already made office order and calculated the amount as per the award and the calculation made by the Court is correct as such J.Dr has to deposit Rs.2,03,44,642/-, the learned Government Pleader prays time for three months, but this E.P. is pending since more than 11 years and this Matter is pre-2019 as such as a last chance on condition to deposit the amount by 22.01.2024 other wish attachment will be issued.”

Learned Additional Advocate General would submits that prior to the order dated 29.12.2023, the petitioners as per the Revised calculation Memo, issued cheque in favour I Additional District Judge, Mahabubnagar District in E.P.No.8 of 2012 in F.A.No.1 of 1995 vide Cheque No.000893 dated 23.06.2023 and deposited an amount of Rs.52,95,000/- and further submitted that no amount is due.

Learned Additional Advocate General submitted that since an amount of Rs.52,95,000/- has already paid and in the order dated 29.12.2023 in E.P.No.8 of 2012 in F.A.No.1 of 1995, the I Additional District Judge, Mahabubnagar District, has stated that the Revised calculation Memo is not correct and



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directed the petitioners to pay an amount of Rs.2,03,44,642/- by 22.01.2024 and the petitioners are disputing to pay an amount of Rs.2,03,44,642/- to the respondents and in this regard, the learned counsel pray this Court to grant some time to the petitioners to rework on calculation memo and further pray to grant stay on all further proceeding in E.P.No.8 of 2012 in F.A.No.1 of 1995.

Learned Additional Advocate General undertakes to file the Revised calculation Memo within in period of six (6) weeks from today.

In view of the above submissions, there shall be interim stay of all further proceedings in E.P.8 of 2012 in F.A.No.1 of 1995 on the file of I Additional District Judge, Mahabubnagar District for a period of eight (8) weeks.

List on 16.02.2024.

SD/- N. RAJA GOPAL
ASSISTANT REGISTRA

//TRUE COPY//


SECTION OFFICER

To,

1. The I Additional District Judge, Mahabubnagar District.
2. C. Laxmana Chary, R/o. Anjanagari Village, Wanaparthy.
3. Vishnuvardhan Chary, R/o. Anjanagari Village, Wanaparthy (RR 2 and 3 by **RPAD along with a copy of petition and memorandum of grounds**).
4. One CC to GP FOR ARBITRATION, Advocate [OPUC].
5. One spare copy
ZEE



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HIGH COURT

NVSKJ

DATED:12/01/2024

LIST ON 16.02.2024

NOTICE BEFORE ADMISSION

CRP.No.166 of 2024

INTERIM STAY

