

CASE NO.:
Appeal (civil) 5120 of 2001

PETITIONER:
THE PROJECT OFFICER,

Vs.

RESPONDENT:
VS.

DATE OF JUDGMENT: 07/08/2001

BENCH:
S. Rajendra Babu & Doraiswamy Raju

JUDGMENT:

J U D G M E N T
RAJENDRA BABU, J. :

Leave granted.

In respect of certain lands acquired for the purpose of Singareni Collieries Company Limited, a Government company, the Land Acquisition Officer fixed the market value at Rs. 4,000/- per acre for dry land and Rs. 6,000/- per acre for wet land. The aggrieved claimants obtained a reference to civil court for enhancement of compensation which was granted by fixing the rate at Rs. 40,000/- per acre. On coming to know of the judgment made by the civil court enhancing the compensation, the appellants filed a writ petition in the High Court seeking for quashing of the order and decree made in the reference principally on the ground that they were not made parties to the proceedings. The appellants also filed another writ petition seeking stay of the operation of the order and decree of the civil court. In the latter petition while directing issue of notice to the claimants the learned single Judge of the High Court granted interim stay of the operation of the order made by the civil court. In the mean while, the Land Acquisition Officer preferred an appeal against the order of the civil court in which an application was also filed seeking interim stay. The Division Bench of the High Court in the appeal preferred by the Land Acquisition Officer directed issuance of notice to the respondents with an order of stay of the execution of the decree on the condition that the appellants in the said appeal, namely, the Land Acquisition Officer, was to deposit a sum of Rs. 20,000/- per acre and proportionate statutory benefits within ten weeks from that date and in the event of the appellants failing to deposit, the order would stand vacated. The learned single Judge of the High Court, however, did not find any reason to vacate the interim stay granted by him earlier in the writ proceedings initiated by the appellants. On a representation being made on behalf of the claimants that the writ petition be heard along with the said appeal, the two matters were directed to be clubbed together. The respondents preferred a writ appeal against the order made by the learned single Judge granting the interim stay of the order made by the civil court. The said writ appeal was dismissed on July 18, 2000 by the Division Bench of the High Court on merit. Thereafter, on November 18, 2000, another Division Bench made another order directing the appellants to deposit the compensation as directed in the appeal filed against the order of the civil court within two months from the date of the order failing which the interim stay granted in the earlier writ petition would stand vacated. It is against this order that this appeal is preferred by special leave.

The basic question raised in the writ petition filed by the appellants is that the order made by the civil court enhancing the compensation and the proceedings thereto are not binding on them inasmuch as they were not parties to the proceedings in the reference court. When that question is yet to be adjudicated, it would be in fitness of things that an interim order been granted by the High Court and, particularly when the claimants appeal against the order made by the learned single Judge in the writ petition having stood dismissed by another Division Bench, it was not appropriate for the High Court to have passed an order as impugned herein. The appropriate course was to hear the writ petition as well as the appeal filed by the Land Acquisition Officer together and dispose of the matters. Ultimately, the burden will be upon the appellants to pay the compensation. Therefore, until their writ petition is decided, no effective order could have been made in respect of payment of compensation arising under the proceedings.

In that view of the matter, we set aside the order made in the Writ Miscellaneous Petition No. 207 of 2000 in Writ Petition No. 19287 of 1999 and restore the case to its file to be considered along with the connected appeals that have been filed by the Land Acquisition Officer or by the claimants, if any. If any other writ or other proceedings is pending, the same shall also be clubbed with the same to be heard and disposed of by an appropriate Division Bench of the High Court.

The appeal is allowed accordingly. No costs.

..J.
[S. RAJENDRA BABU]

J.
[DORAISWAMY RAJU]

AUGUST 07, 2001.