

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.5917 of 2007

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the proceedings in R.Dis (D).1270/2004, dated 12.03.2007 of the third respondent, the Mandal Revenue Officer (Tahsildar), Tirupathi Rural Mandal, as illegal and arbitrary and to set aside the same, and consequently to stay all further proceedings including dispossession of the petitioners in the schedule property.

The only point raised by the learned counsel for the petitioners is that while admitting that the petitioners are the owners of the assigned lands, the third respondent passed the impugned order directing the Government to pay *ex gratia* amount to the petitioners, which is not sustainable in law, in view of the decision of this Hon'ble Court in **LAO-cum-RDO, Chevella Division, Domalguda, Hyderabad v Mekala Pandu**. Learned counsel for the petitioners further submits that even though the Government requires the assigned land of the petitioners for INDIRAMMA Scheme, the petitioners are entitled for payment of full compensation, instead of the *ex gratia* amount, under the Land Acquisition Act. He further submits that in view of the changed circumstances, the said INDIRAMMA scheme is not in progress.

In view of the submissions of the learned counsel for the petitioners and also considering the facts and circumstances of the case, the proceedings in R.Dis. (D)1270/2004, dated 12.03.2007 is hereby set aside. It is observed that if the Government still intends to acquire the land of the petitioners for construction of houses under INDIRAMMA scheme, the Government is at liberty to invoke the provisions of 'the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013', and proceed further in accordance with law.

With the above observations, the writ petition is disposed of.

No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

02.04.2015

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