

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 3854 of 2011

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Revenue, Government Pleader for Land Acquisition and Standing Counsel appearing for respondent Nos.2 and 3. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the inaction of the respondents in allotting land admeasuring Ac.7.05 cents situated in Sy.No.20 of Kasbagollapalli Village in favour of the petitioner's society for extension of building in spite of the report of the sixth respondent, dated 04.06.2010 and to declare the action of the respondents in trying to acquire the land of the petitioner's society under the guise of laying bye-pass road through the petitioner's society land, as illegal, arbitrary and violative of principles of natural justice; and consequently direct the respondent to allot land admeasuring Ac.1.18 cents in Sy.No.238/1 and Ac.5.00 cents in Sy.No.238/2, situated at Kasbagollapalli to the North-West of petitioner's society land as an alternative land in pursuance of the acquisition proceedings with regard to lands in Sy.Nos. 1/1B, 1/2B and 6/2 to an extent of Ac.9.47 cents situated at Rayachoti, N.H.18, Kadapa District.

The petitioner society herein claims to have purchased various extents of land in Sy.Nos. 8/3, 8/2, 1/1, 6/2, 5, 8/1, 7, 8/3A and 8/3B of Rayachoti Village through various sale deeds. It is stated that the Government issued G.O.Rt.No.1800, Transport, Roads and Building Department, dated 17.12.2008 and accorded administrative sanction for the purpose of formation of bye-pass road to Rayachoti Town

passing through the lands of the petitioner society. It is stated that though the petitioner society made representation dated 29.01.2010 to the Roads and Buildings Department and also to the Revenue Authorities to change the alignment, the respondents are taking steps to lay a bye-pass road through the lands of the petitioner society. Aggrieved by the same, the petitioner society filed W.P.No.3424 of 2010 before this Court. During the course of hearing in the said writ petition, the respondents brought to the notice of the Court that the Government had issued a gazette notification with regard to acquisition of lands. In view of the above, this Hon'ble Court by its order dated 24.01.2011 dismissed the writ petition as infructuous. It is further stated that adjacent to the petitioner's society land there is a government land admeasuring Ac.7.05 cents in Sy.No.20, which is lying vacant. On 25.03.2010 the petitioner's society made a representation seeking allotment of the said land either on payment of market value or on lease basis. As per the directions of the fourth respondent, the sixth respondent, after due inspection of the land, submitted a report along with field sketch and village account extract vide reference dated 04.06.2010 stating that the land is free from encroachments and is fit for extension of college building. Though sixth respondent submitted the report on 04.06.2010, till date the respondents failed to take any steps with regard to allotment of the said land in favour of the petitioner's society. Hence, the writ petition.

Fifth respondent filed counter stating that as per G.O.Ms.No.1493, Revenue (Assignment. POT) Department, dated 01.12.2007, land which is situated within the radius of 3 kms from the Mandal Head Quarters cannot be assigned. It is urged that since the land in Sy.No.20, which is sought for by the petitioner society is situated within prohibited limits, the same cannot be alienated in favour of the petitioner society.

When the matter is taken up for hearing, the Government

Pleader for Land Acquisition places on record the instructions dated 23.10.2015 received from the Revenue Divisional Officer, Kadapa, wherein it has been stated that a general award was passed vide award No.79 of 2012-2013 along with other awardees and the same has been approved by the District Collector and that the compensation would be paid to the petitioner's society after producing the documentary evidence. At this stage, learned counsel for the petitioner submits that he will take steps to challenge the award No.79/2012-2013.

Giving liberty to the petitioner to avail the remedies available under law, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.10.2015

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