

## THE HON'BLE SRI JUSTICE RAJA ELANGO

### Writ Petition No.663 of 2009

#### ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the Notice R.C.No.206 of 2008, dated 16-12-2008 issued by the 3<sup>rd</sup> Respondent herein as illegal and arbitrary and consequently direct the respondents not to recover the compensation already received by the petitioner through the Cheque No.744415, dated 23-08-2008 for Rs.3,12,500/- drawn on SBI (ADB) Kadiri Branch, Anantapur District and also to pay the remaining balance of the compensation of Rs.3,12,500/- to the petitioner or to allow him to encash cheque bearing No.005715, dated 23-08-2008 for Rs.3,12,000/- drawn on Andhra Pragathi Grameena Bank, Amadaguru Branch, Anantapur issued to the petitioner for the acquisition of his assigned land of Ac.5.00 in Sy.No.893/1 of Thummala Village, Amadaguru Mandal, Anantapur District.

The brief facts of the case are as follows :

The land of the petitioner was acquired by the respondents and the petitioner was the D-Form patta holder of the said land and the same was not in dispute till the payment of compensation to the petitioner. The respondents paid the compensation by way of two cheques and one of the cheques was encashed by the petitioner. When the petitioner intends to encash the other cheque, the 3<sup>rd</sup> Respondent issued Notice to the bank concerned not to disburse the money in favour of the petitioner on the ground some other persons also claiming the right over the property for which the compensation was paid to the petitioner and the respondent intends to conduct an enquiry. Meanwhile, the petitioner approached this Court and obtained an interim order of *status quo*. Hence, the writ

petition is pending from the year 2009.

Having heard the learned counsel on either side and perused the material available on record, this Court is of the view that the Writ Petition can be disposed of as follows :

The 3<sup>rd</sup> respondent herein is directed to conduct an enquiry on the basis of the claim made by the persons who claim title to the subject land, for which the petitioner possessed D-Form Patta, after issuing notice to the persons who claim title to the subject land and conclude the enquiry within a period of three months and on completion of the said enquiry, if the petitioner is entitled for the compensation, the petitioner shall be paid the said compensation in accordance with law.

The Writ Petition is disposed of accordingly. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

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JUSTICE RAJA ELANGO

31<sup>st</sup> March, 2015

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