

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.30458 of 2015

BETWEEN

K. Aruna Kumari.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by Principal Secretary,
Land Acquisition, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 02.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

It appears that an extent of Ac.83.83 cents belonging to the petitioner was acquired for Yerrakalva widening under Polavaram Irrigation Project, Nallajerla Mandal, Gundepalli village. A notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') was published on 23.10.2013 and thereafter, enquiry under Section 5-A of the Act was conducted and a draft declaration was published in the Gazette on 15.02.2014. Subsequently, the award enquiry was conducted and award No.27/2015 was passed on 28.01.2015.

As per the said award, compensation with respect to disputed land of Ac.0.41 cents was paid to one Dondapati Durgarao. Subsequently, petitioner filed an application objecting to the said payment representing that there is a boundary dispute in the said land in Sy.No.85/2C between her and Dondapati Durgarao and requested to stop the payment. Thereupon, the Land Acquisition Officer sent notices to Dondapati Durgarao to appear on 10.04.2015 and he attended the same on 21.04.2015 but did not produce any documentary evidence. Another notice was also sent on 12.06.2015 but Sri Dondapati Durgarao did not attend the same, therefore, the enquiry was adjourned and complaining of repeated adjournment of enquiry,
the present writ petition is filed.

2. Learned Government Pleader has received instructions from the Special Deputy Collector (LA), which confirm that on the application of the petitioner notices have been ordered to the said Dondapati Durgarao on two or three occasions but he has not appeared. Hence, the enquiry was postponed.

3. Obviously, the enquiry cannot be indefinitely postponed in this manner and it is imperative for the second respondent to issue final notice to the petitioner as well as the said awardee by fixing the date of enquiry and on that day, conduct enquiry and pass appropriate orders, preferably, within a period of four (4) weeks from the date of receipt of a copy of this order.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 2, 2015

DSK