

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.5431 OF 2012

DATED:3-9-2015

Between:

Karnati Vishnu Vardhan Reddy ... Petitioner
and another

And

The Managing Director
A.P.I.I.C., Parishram Bhavan
Basheerbagh, Hyderabad
and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Madhusudan Reddy
Gavinolla

COUNSEL FOR THE RESPONDENTS: Mr. L. Prabhakar Reddy,
Standing Counsel for T.S.I.I.C.

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed to direct the respondents not to dispossess the petitioners from the land admeasuring Ac.1.35 guntas in Sy. No.228, situated at Turkapally Village, Shameerpet Mandal, Ranga Reddy District, without following due process of law.

The petitioners pleaded that they have purchased the above mentioned land under registered sale deed dt.1.7.2004 from Smt. Jambula Manemma and another, and that in pursuance of the said purchase their names have been mutated in the revenue record on 6.10.2008. The petitioners felt aggrieved by the alleged interference of the respondents with their possession.

On behalf of the respondents, Ms. A. Rashmi, General Manager (Law), Andhra Pradesh Industrial Infrastructure Corporation (APIIC) has filed a counter affidavit wherein it is *inter alia* stated that APIIC has filed requisition proposals for acquisition of the land for Bio-Tech Park at Turkapalli Village, Shameerpet Mandal, Ranga Reddy District, with the Collector, vide letter dt.27.2.2004 in respect of Ac.78.06 gts., in Survey Nos.219 to 229, 244 to 248, 250 to 256 and 258, that notification under Section 4(1) of the land Acquisition Act, 1894 (for short, 'the Act'), was issued on 6.8.2004, under which an extent of Ac.61.18 gts., of land was proposed for acquisition, that an enquiry under Section 5-A of the Act was held during which four persons have filed their objections against acquisition of lands on the ground that they have started establishment of Bio-Tech Firms and that the Government after careful consideration of their representation, exempted Acs.35.00 of land from acquisition and thereafter declaration under Section 6 of the Act was issued in respect of Ac.24.35 gts. of

land and the same was published on 23.8.2005. That the Award enquiry was fixed on 12.9.2005 during which the following owners/enjoyers of the lands have attended.

1. Sri Rudra Boina Pedda Laxmaiah, S/o. Ilaiah
2. Smt. R. Andalu, W/o. Mallaiah
3. Sri R. Kishtaiah, S/o. Bagaiah
4. Smt. R. Narasamma, W/o. Narsaiah
5. Sri R. Pochaiah, S/o. Narsaiah
6. Smt. R. Kamalamma, W/o. Yellaiah
7. Smt. R. Kamalamma, D/o. Gonaiah
8. Kummari Balaiah, S/o. Mallaiah

That notices under Sections 9(1), 9(3) and 10 of the Act were published and served on the interested persons and thereafter Award enquiry was fixed on 16.10.2006 during which six out of the above mentioned eight persons have appeared and conveyed their no objection for acquisition of the land on payment of compensation of Rs.50,00,000/- per acre. It is further averred that following the Award enquiry, an Award was passed by the Special Deputy Collector, Land Acquisition (Industries), Ranga Reddy District, on 16.10.2006. With reference to the mutation pleaded by the petitioners, the counter affidavit stated that such mutation cannot confer right on them.

No reply affidavit is filed controverting the averments in the counter affidavit. Thus, as per the uncontroverted averments, an Award, in respect of larger extents of lands, including the land claimed by the petitioners, was passed on 16.10.2006. Therefore, with the passing of the Award, the lands stood vested in the APIIC, which is the beneficiary of the land acquisition. As rightly pleaded by the respondents, mutation of the petitioners' names in the revenue record after passing of the Award has no validity in law.

For the above reasons, I do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.6889 of 2012 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

3-9-2015

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