

**IN THE HIGH COURT OF JUDICATURE
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY THE TWELVETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 19461 OF 2011

Between:

Sandra Pedda Nagendra ... Petitioner

V/s.

The Deputy Collector,
Laand Acquisition, GNSS
Project Phase-III,
Muddanur village,
YSR [Kadapa]District & Ors. ... Respondents

Counsel for the Petitioner : Sri P. Veera Reddy

Counsel for the Respondents : Govt.Pleader for Land Acquisition

Sri V.Nitesh

The court made the following : [order follows]

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader and Sri V.Nitesh.

2. Sandra Pedda Nagendra filed the writ petition for mandamus, declaring the action of first and second respondents in taking steps for payment of compensation to respondents 3 and 4 for the lands acquired in an extent of Acs:2-48 cents in survey No.399/2 of Talla Proddutur village, Kondapuram Mandal, YSR Kadapa district under the provisions of Land Acquisition Act as illegal, arbitrary and unconstitutional.

3. Sandra Adi Lakshumma/fourth respondent is the wife of Sandra Chinna Nagendra/third respondent. It is the admitted case of the parties that petitioner and third respondent are brothers. The admitted circumstances are the first and second respondents issued section 4 [1] notification dated 06/02/2007 and draft declaration dated 08/02/2007 along with few other survey numbers for the fore shore area of Gandikota reservoir. The subject matter of writ petition is confined to Acs:2-48 cents in survey No.399/2A

of Gandikota village. The case of petitioner is that he is entitled to Ac:1-90 cents in survey No.399/2-B and entitled to half share in Acs:2-48 cents in survey No.399/2-A. The compensation should be apportioned accordingly.

4. It is not in dispute that the petitioner has already received compensation to the extent covered by survey No.399/2-B in an extent of Ac:1-90 cents exclusively claimed by him. The petitioner claims Survey No. 399/2-B as his exclusive property. Survey No.399/2-A as belonging to himself and his brother. The petitioner filed OS.No. 284 of 2007 in the court of Junior Civil Judge, Jammalamadugu. At the first instance, the trial court granted temporary injunction in IA.No. 657 of 2007 restraining the defendants therein from interfering with the peaceful possession and enjoyment of petition-schedule land. On 23/01/2009 OS.No. 284 of 2007 was dismissed, later on CMA was filed also dismissed. At present, there is no lis pending against survey No.399/2-A in an extent of Ac:2-48 cents. This is the factual matrix for withholding payment of compensation to third and fourth respondent is with held at the instance of petitioner.

5. Briefly stated the case of fourth respondent is that

through the registered document No.227/92 she purchased an extent of Acs:2-48 cents in survey No.399-2 [classified as survey No.399/2-A] and no one has any right muchless the petitioner to claim apportionment of compensation payable for the acquisition of land in survey No. 399/2-A in an extent of Ac:2-48 cents. The fourth respondent on the strength of registered sale deed asserts exclusive right and title in survey No.399/2-A.

6. First and second respondents filed counter affidavit and admitted that P.V. proposals are not sent in respect of survey No.399/2-A measuring Acs:2-48 cents, no award is passed. The writ prayer amounts to restraining the statutory authority from disbursing the compensation payable for the acquisition of land covered by 4 [1] notification and 6 declaration. This court cannot consider granting the prayer on those lines and on that ground alone the writ petition is liable to be dismissed. It is a matter of record, the suit for injunction filed by the petitioner is dismissed. The first and second respondents have been precluded from passing the award at the instance of petitioner. The petitioner failed to establish any of the pleas urged in the writ petitions and accordingly the writ is dismissed. While dismissing the writ

petition, it is observed that first and second respondents are required to take note of change in law while determining the compensation payable to fourth respondent, appropriate award is passed within a period of six weeks from the date of receipt of copy of this order. No order as to costs.

6. As a sequel, Miscellaneous Petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT.

12/03/2015
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HONOURABLE SRI JUSTICE S.V. BHATT

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