

*** HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**

+W.P. No. 1761 of 2015

%16-02-2015

Rayavarapu Venkata Lakshmi and anotherpetitioners

Vs.

\$ The State of A.P. and three others Respondents

!Counsel for the Petitioners: Sri Dasari S.V.V.S.V. Prasad

Counsel for Respondent Nos.1 to 4: Spl. G.P. for Assignment

<Gist :

>Head Note:

? Cases referred:

2012(6) SCJ 862 or SCALE 2012(9) 142

-
-
-
-
-
-
-
-
-
-
-
-

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

—

Rayavarapu Venkata Lakshmi
and another

.. Petitioners

1. The State of Andhra Pradesh
2. The District Collector
3. The Revenue Divisional Officer
4. The Tahsildar

4. The Parishioners Respondents

□ □

-
-
-
-
-

ORDER:-

The petitioners assert that in the year 1976, the Government, for the purpose of quarrying the stone for construction / repair of Godavari Barrage in Rajahmundry, East Godavari District, acquired a total an extent of Ac.29.14 cents of land in various survey numbers including the lands belonging to the petitioners in an extent of Ac.3.40 cents in R.S.Nos.43/7 and 44/3A by virtue of an Award No.12/1980, dated 01.05.1980. While so, it is stated that after completion of quarrying operations, the authorities redelivered possession of the lands to all the original land-owners including the 1st petitioner's husband and the respondents-authorities also issued Delivery Certificates vide Reference No.D935/90, dated 24.11.1990 to the other land owners, but did not issue Delivery Certificate to the husband of the 1st petitioner. After demise of the 1st petitioner's husband, the petitioners made representation dated 25.06.2014 requesting the 2nd respondent-District Collector to issue Delivery Certificate. Now, the petitioners' grievance is that even though the 2nd respondent-District Collector forwarded their representation to the 3rd respondent-Revenue Divisional Officer, vide proceedings dated 16.07.2014, the 3rd respondent has not taken any action thereon so far. Hence, the present writ petition is filed seeking appropriate

directions.

The learned counsel for the petitioners submits that in similar circumstances, this Court, by order dated 18.06.1998 in W.P.No. 23867 of 1996, had directed the 3rd respondent-Revenue Divisional Officer to handover possession of the lands to the petitioners therein within a period of two months from the date of receipt of a copy of the order. He further submits that the petitioners also are similarly situated, but there is a hostile discrimination on the part of the respondents in not considering the petitioners' request and nor passing similar orders to that effect.

On the other hand, Sri D.Prasad, the learned Special Government Pleader for Assignment has submitted that as per the instructions dated 14.02.2015 received from the Sub-Collector, Rajahmundry, the petitioners herein had been paid compensation for the lands acquired from them and further when they filed O.P.Nos. 13 and 14 of 1982 seeking enhancement of the compensation, the enhanced compensation was also ordered and deposited in their favour. It is also submitted that as per the written instructions, the Chief Engineer, Dowleswaram, vide his letter dated 11.09.1989, reported that their Department proposed to retain certain extents of lands in Sy.Nos.43/7, 44/3A, 43/6B, 67/3A and 74/2 admeasuring Ac.5.85 cents including the petitioners' lands for carrying out balance works, maintenance works and flood protection works, etc., and accordingly, retained the petitioners' lands, as such, the petitioners' request cannot be considered.

Having considered the rival submissions and having perused the order dated 18.06.1998 passed in W.P.No. 23867

of 1996, this Court is not inclined to issue a mandamus in favour of the petitioners based on the order passed by this Court inasmuch as that order is passed in the facts of the case and the same cannot be treated as a binding precedent especially in the light of the judgment of the Apex Court reported in **V. Chandrasekharan v. Administrative Officer**^[1] holding the view contra to the view expressed by the learned single judge. However, this Court deems it appropriate to direct the respondents to take a decision on the representation dated 25.06.2014 said to have been made by the petitioners, in accordance with law and communicate the same to the petitioners within a period of three months from today.

With the above direction, the writ petition is disposed of.
No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

16.02.2015

Note: L.R. copy to be marked

b/o

bcj

^[1] 2012(6) SCJ 862 or SCALE 2012(9) 142