

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.24061 of 2015

BETWEEN

Gadiraju Kamalavathi and two others.

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 24.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

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ORDER:

Petitioners question the proposed action of the respondents in trying to take possession of various extents of land in various survey numbers as mentioned in the prayer.

2. Petitioners claims that they have purchased the lands, as claimed aforesaid, from the original owners by paying consideration and obtained registered sale deeds in the year 2006 and claim that they are in possession and enjoyment of the land. Petitioners also assert that their names are mutated in the revenue record and title deeds and pattadar passbooks have been issued to them. Petitioners, however, state that for the purpose of excavation of a canal a notification dated 25.04.2015 was published by the respondents in the Srikakulam edition of Surya Daily newspaper on 30.04.2015, which has very limited circulation. Petitioners state that their names were not found in the said notification. Petitioners state that though their names are mutated in the revenue record and they hold pattadar passbooks and title deeds, no notice have been issued to them, hence, they filed the present writ petition complaining that the respondents are not following due process of law.

3. Detailed instructions are received by learned Government Pleader for Revenue as well as by learned Government Pleader for Land Acquisition, which state that for construction of Thotapalli Barrage Project on river Nagavalli and to facilitate irrigation and drinking facilities in Srikakulam and Vizianagaram districts, acquisition of land is compulsory for completion of the project and canals. It is stated that notification for excavation of Srikakulam Branch Canal from KM 0.020 to KM 1.830 was issued and that the notification is stated to have been issued by following due procedure under the Central Act 30 of 2013 after identifying the proposed canal land after survey and demarcation on 25.03.2015. The preliminary notification was, accordingly, issued on 22.04.2015 and the same was notified in the

District Gazette on 27.04.2015. The proposals were stated to have been published in local Telugu daily newspaper "Surya Daily" on 30.04.2015 and the Gazette notification was also sent to the Mandal Revenue Officer, Mandal Parishad Development Officer, Station House Officer, Gram Panchayat etc.

4. The instructions further state that the land in the name of the vendor of the petitioners was notified, being sub-numbers of Sy.No.283, as the mutation in favour of the petitioners appears to have not been carried out and as such, the names of the petitioners are not reflected. It is stated that the canal alignment passes through Sy.No.283 to the extent of Ac.0.58 cents, which is notified in the Gazette as Sy.Nos.283/12 to 283/17 aggregating to Ac.0.58 cents.

It is also stated that the petitioners being aware have not filed any objections before the Land Acquisition Officer claiming title to the said land and that if the petitioners had approached the LAO, he would have taken appropriate steps and passed necessary orders.

5. Learned counsel for the petitioners submits that though the lands are notified, as above, the entire extent of Sy.No.283 is large extent and the vendors of the petitioners also hold some other land in the same survey number and so far as petitioners are concerned, after they purchase the lands, their names are mutated in the revenue record and as such, there is no reason as to why the names of the petitioners are not notified in the preliminary notification.

6. Alternatively, learned counsel for the petitioners submits that now that it is clear that the lands of the petitioners are likely to be acquired as per the preliminary notification, petitioners be given liberty to file their objections before the LAO along with the documents so that the LAO would be in a position to appreciate the title and possession of the petitioners and taken further necessary steps in accordance with law.

7. In my view, though the names of the petitioners do not appear in the notification, their lands appear to have been notified in the names of their vendors, hence, petitioners are entitled to file their objections. Though the period calling for objections has expired, since the names of the petitioners were not found, the petitioners can as well file the objections within a period of four (4) weeks from today. On filing of such objections, the third respondent shall examine the claim of the petitioners and take further necessary steps in accordance with law and thereafter, follow due process of law.

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

August 24, 2015
DSK