

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.No.19702 OF 2011

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue (A.P.) appearing for the respondents.

2. With the consent of both parties, the Writ Petition is disposed of at the admission stage.

3. This writ petition came to be filed seeking issuance of writ of Mandamus declaring the action of the respondents in not delivering possession of identified and demarcated 'Compensatory Land' of an extent of Ac.0.62 cents in Sy.No.360/4 and Ac.0.56 cents in Sy.No.365/5 of Chiguruvada Uttarapur Kandriga Village, Tirupathi Rural Mandal, Chittoor District, being the 'Compensatory Land' in lieu of compensation for the petitioner's land to an extent of Ac.0.61 cents in Sy.No.65/A, Ac.0.19 cents in Sy.No.18/2 and Ac.0.37 cents in Sy.No.79 of Avilala Village, Tirupathi Rural Mandal, as illegal and arbitrary.

4. The facts that lead to filing of the present writ petition are as under:

The petitioner claims to be in possession of agriculture land to an extent of Ac.2.66 cents in Sy.Nos.65/A, Ac.0.19 cents in Sy.No.18/2 and Ac.0.89 cents in Sy.No.79 classified as wet land situated at Avilala Village, Tirupathi Rural Mandal, Chittoor District. It is said that during the month of April, 1992, All India Congress Plenary was held at Avilala Village of Tirupathi Rural Mandal by levelling tank poramboke locally known as 'Avilala Pedda Cheruvu'. For that purpose, internal black top roads have been formed by the Roads & Buildings authorities and the tank bund was totally removed. It is stated that the roads were formed in private patta lands situated

in Sy.Nos.64/C2, 65/A, 78/A, 18/2, 79 etc. of total extent of Ac.3.35 cents. For the purpose of laying black top road, the agriculture land of the petitioner admeasuring Ac.0.61 cents out of his total land of Ac.2.66 cents in Sy.No.65/A, Ac.0.19 cents in Sy.No.18/2 and Ac.0.37 cents in Sy.No.79 of Avilala Village was taken along with other lands. While taking the land, the respondents assured the petitioner and others of providing alternative land in lieu of compensation. Accordingly, the Collector, Chittoor District is said to have taken a decision to set apart Ac.5.00 cents of land in Sy.No.18/1 of Avilala Village for allotting the said land as 'Compensatory Land' to those persons, whose lands were taken for formation of roads. Thereafter, respondent No.1 issued G.O.Ms.No.84, Revenue (Assignment – IV) Department, dated 28.1.1994, allotting Ac.5.00 cents of land for the land owners who lost their lands in road formation for the "All India Congress Plenary Session", as 'Compensatory Land'. Thereafter, respondent No.3 herein issued necessary proceedings on 18.4.1994.

It is stated that one of the land losers filed W.P.No.10380 of 1999 seeking a direction to the respondents to allot alternative land for the land taken from him which was disposed of on 28.3.2007 directing the respondents to provide alternate land equivalent to the land acquired from him for the purpose of laying road. Respondent No.2 herein submitted proposals dated 29.7.2009 to respondent No.1 herein through the Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad requesting to issue revised orders for allotment of alternative land. The Tahsildar, Tirupathi Rural Mandal identified the land in Sy.No.360/4 to an extent of Ac.0.62 cents and Ac.0.56 cents in Sy.No.365/5 of Chiguruvada Uttarapu Kandriga Village, Tirupathi Rural Mandal for allotment as compensatory land to the petitioner and obtained consent from him. It is stated that the entire process of allotment is complete, but till date, the possession of land is not handed over to the petitioner. Challenging the inaction on the part of the respondents, the present writ petition is filed.

5. Learned Government Pleader, though filed counter opposing the averments in the writ petition, but on instructions, stated that within two months, the respondent authorities will deliver possession of the identified land to the petitioner.

6. Recording the statement of the learned Government Pleader, the Writ Petition is disposed of directing the concerned authorities to deliver vacant and peaceful possession of the identified land to the petitioner within a period of two (2) months from today. There shall be no order as to costs.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 19.11.2015

AMD

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