

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE S.V.BHATT

-
WRIT PETITION No.10411 of 2012

Between:

Kora Suryarao

..... PETITIONER

AND

The Principal Secretary,
Revenue Department,
Government of Andhra Pradesh,
Secretariat Buildings,
Hyderabad and 5 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10411 of 2012

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ORDER:

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The petitioner prays for mandamus declaring the inaction of respondents in paying the compensation to petitioner for the RCC room and the trees standing on the land of petitioner as per the estimates submitted by the Executive Engineer, R&B, Kakinada/5th respondent and the Forest Range Officer, Rajahmundry/6th respondent as illegal and unconstitutional.

The subject matter of the writ petition is part of Ac.1.00 cents in Sy.No.987/2 at Mandapeta Village and Mandal, East Godavari District, as it is clear from the prayer that the inaction in payment of compensation for acquiring RCC room/trees is the subject matter of the writ petition.

The Revenue Divisional Officer, Ramachandrapuram filed counter affidavit on behalf of himself and Respondents Nos.2, 3 & 4.

Having regard to the reply of Respondent No.3, this Court is relieved of considering the fact in issue pleaded by the petitioner. It is suffice to note that the respondents admit the non-payment of the compensation for RCC room and in so far as trees are concerned, it is the case of respondents that compensation is already paid in the consent award. The stand taken by the respondents which has bearing for disposal of the writ petition is as follows:

“It is respectfully submitted that the officials did not remove the RCC shed exists in Sy.No.987/2 measuring Ac.1.00 cents. It is respectfully submitted that the consent award was passed by the Land Acquisition Officer & Revenue Divisional Officer, Rajahmundry on 07.07.2008. It is submitted that at the time of passing award the structure values are not received from the R&B Department. It is submitted that the structure value was received on 19.07.2010 by the Land Acquisition Officer & Revenue Divisional Officer, Rajahmundry. The Land Acquisition Officer & Revenue Divisional Officer, Rajahmundry has sought clarification on payment of structure value as the structure values received after 6 months from the date of passing award.

The District Collector, E.G.District, Kakinada has given clarification vide Ref.G3/4312/2013, dt.15.11.2013 to pay the structure value to the petitioner. In the meanwhile, Ramachandrapuram Division was newly formed from Rajahmundry Division and new Ramachandrapuram Revenue Division was formed from 21.06.2013. It is submitted that Mandapeta Mandal was came into Ramachandrapuram Division. The LA files were transferred from Rajahmundry to Ramachandrapuram in January 2014. It is submitted that due to General Elections 2014, parawise remarks were not submitted to the GP for LA. It is respectfully submitted that the compensation for the structure relates to the petitioner will be paid within one month.

It is respectfully submitted that the compensation relating to the RCC shed situated in Sy.No.987/2 measuring Ac.1.00 cents of Mandapeta will be paid to the petitioner after receipt of budget amount from the Collector, E.G.District, Kakinada. It is respectfully submitted that the tree value were paid to the petitioner existing in order survey numbers. It is respectfully submitted that the petitioner is entitled for payment of structure values only.

It is respectfully submitted that the officials did not remove the RCC shed relating to the petitioner till today.

The Government will not remove the RCC shed until the compensation is paid to the petitioner. It is submitted that the tree values existing in other survey numbers are paid to the petitioner along with land values. It is pertinent to submit that the petitioner will be paid compensation for his RCC shed within one month.”

In view of the above, the Writ Petition is ordered and the respondents are directed to pay compensation to the petitioner for RCC room within one month from the date of receipt of a copy of this order. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed in consequence.

S.V.BHATT,J

Date: 23.02.2015

Dsr