

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.30453 of 2015

BETWEEN

K. Atchuta Venkata Satyanarayana Raju.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by Principal Secretary,
Land Acquisition, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 02.11.2015

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:

It appears that an extent of Ac.83.83 cents belonging to the petitioner was acquired for Yerrakalva widening under Polavaram Irrigation Project, Nalljerla Mandal, Gundepalli village. A notification under Section 4(1) of the Land Acquisition Act (for short 'the Act') was published on 23.10.2013 and thereafter, enquiry under Section 5-A of the Act was conducted and a draft declaration was published in the Gazette on 15.02.2014. Subsequently, the award enquiry was conducted and award No.1/2015 was passed on 28.01.2015.

As per the said award, compensation with respect to Ac.1.50 cents of land in Sy.No.85/1A and 85/1B was paid to one Smt. Penumatsa Bhadrayamma, W/o. Satyanarayana Raju. Subsequently, petitioner filed an application objecting to the said payment on 26.03.2015 pointing out that there was an agreement between him and the said Smt. Penumatsa Bhadrayamma and that she has not paid 50% of compensation as per agreement. Thereupon, the Land Acquisition Officer sent notices to Smt. Penumatsa Bhadrayamma on more than one occasion and as she did not appear, the enquiry was adjourned from time to time and complaining of repeated adjournment of enquiry, the present writ petition is filed.

2. Learned Government Pleader has received instructions from the Special Deputy Collector (LA), which confirm that on the application of the petitioner notices have been ordered to the said Bhadrayamma on two or three occasions but she has not appeared. Hence, the enquiry was postponed.

3. Obviously, the enquiry cannot be indefinitely postponed in this manner and it is imperative for the second respondent to issue final notice to the petitioner as well as the said awardee by fixing the date of enquiry and on that day, conduct enquiry and pass appropriate orders, preferably, within a

period of four (4) weeks from the date of receipt of a copy of this order.

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

November 2, 2015
DSK