

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition Nos.3260, 18585 & 16044 of 2007

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COMMON ORDER :

These three writ petitions can be disposed of together, in view of the issue involved.

Petitioners in W.P. Nos.3260 and 18585 of 2007 are one and the same. It is their case that subject lands were assigned to them in the year 1963 and ever since the assignment made in favour of them, they have been continuously cultivating the lands and their names were entered into revenue records as pattedars and possessors of the said lands since 1963. While so, the Government of Andhra Pradesh acquired the vast extent of land for AP GENCO for the purpose of construction of power plant at Dubbapally Village. A notification under Section 4(1) of Land Acquisition Act was issued in respect of patta lands excluding the petitioners' lands. Though the respondents have taken possession of the lands of the petitioners, no compensation was paid to them on the ground that the lands are assigned lands. Hence, they are seeking to pay exgratia amount to the subject lands.

The case of the petitioners in W.P. No.16044 of 2007 is that the petitioners and their predecessors have purchased the subject lands for valuable consideration from the erstwhile occupants through simple sale deeds and have been cultivating and doing the agriculture over a long time. Hence, they are seeking to pay exgratia amount for taking possession of the subject lands by the respondents.

It is not in dispute that the subject lands are assigned lands. The dispute between the parties is as to who are in the possession

and enjoyment of the subject lands and also as to who are the owners of the subject lands. This Court is of the view that in view of such dispute, the Government has rightly withheld the money and directed the petitioners in these writ petitions to approach the authority concerned.

After hearing the arguments of both the parties and perusing the material available on record, this Court is of the considered view that as there is a dispute regarding the possession, enjoyment, ownership and also the title over the subject lands, it is for the authority concerned to decide the issue. Hence, these Writ Petitions can be disposed of as follows :

The parties who claim possession, enjoyment, ownership, and title over the subject lands are at liberty to submit their case before the concerned officer along with all relevant material. The Joint Collector, Warangal is hereby directed to dispose of the claims of the parties on the basis of the material available with the authority and also the records produced by the parties who claim possession, enjoyment, ownership, and title over the subject lands and decide the issue in accordance with law within a period of six months. While disposing of the claims, the Joint Collector, Warangal, is directed to take into consideration as to who are in the possession and enjoyment of the subject lands and also in whose names the pattas are stand.

These Writ Petitions are accordingly disposed of. No order as to costs in all these writ petitions. Consequently, miscellaneous petitions pending, if any, in all these Writ Petitions shall stand closed.

JUSTICE RAJA ELANGO

16th April, 2015

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