

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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WRIT PETITION No.16248 of 2012

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ORDER:

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Heard the counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of.

The present writ petition is filed seeking issuance of writ of Mandamus declaring the action of the respondents in not considering the grievance of the petitioner for allotment of land in Sy.Nos. 270 and 271 of Thottambedu village as an exchange to the land of the petitioner acquired by the respondents in Sy.No.250 admeasuring Ac.11-68 cents as illegal and arbitrary and consequently direct the respondents to allot land in Sy.Nos 270 and 271 to an extent of Ac.10-06 cents as an exchange to the land of the petitioner acquired by the respondents and pay the compensation for the remaining extent of Ac.01-62 cents in Sy.No.250 of Thottambedu village.

One M.V.Ramana Murthy representing Maharshi Institute of Creative Intelligence filed the present writ petition on behalf of the institution. It is stated that the 1st respondent permitted the 2nd respondent-District Collector for alienation of land to an extent of Ac.35-58 cents in S.No.175 situated at Thottambedu village on payment of market value in favour of the petitioner's institution. Accordingly, the 2nd respondent alienated Ac.35-58 cents in Sy.No.175, sub-divided as Sy.No.250, vide proceedings Roc.No.B1/896/80 dated 08-12-1980 in favour of petitioner on payment of market value as fixed by the revenue authority. The petitioner paid the market value and the possession of the property was delivered to the petitioner on 01-03-1986.

Apart from the above land, the petitioner has been in possession and enjoyment of land admeasuring Ac.10-06 in Sy.Nos.270 and 271 of Thottambedu village. In the year 2006, the respondents acquired the land admeasuring Ac.11-68 cents in Sy.No.250 of the petitioner for formation of summer storage tank for drinking water

supply to

Sri Kalahasti town. The petitioner made a representation to

the 2nd respondent for exchange of Ac.10-06 cents government land in Sy.No.270 and 271 of Thottambedu village instead of payment of compensation for the land acquired in Sy.No.250 of Thottambedu village. The 2nd respondent called for a report from the 4th respondent, to which the 4th respondent submitted report through the 3rd respondent vide Roc/A/286/2003, dated 04-02-2006 recommending for exchange of land in Sy.No.270 and 271 and payment compensation for remaining extent of land admeasuring Ac.1-62 cents. It is stated that though the 4th respondent submitted a proposal on 04-02-2006, the 2nd respondent has not taken any action on the said proposal. Pursuant thereto, the petitioner made a representation to the 1st respondent, who called for the report from the 2nd respondent. The 2nd respondent again called for a report from the 4th respondent vide Roc.No.E1/2173/2011, dated 22-11-2011. It is stated that the 4th respondent has not taken any action. Challenging the said act of not taking action for exchange of land, the present writ petition is filed.

A counter came to be filed on behalf of 4th respondent, wherein, it has been mentioned that on 25-09-2012, a report has been sent to the 2nd respondent. In view of the above, learned counsel for the petitioner submits that the Joint Collector has to pass the order and send the same to the 1st respondent, which has not been done for the last two years.

Without going into the merits of the case and having regard to the submissions made by the counsel for the petitioner, the writ petition is disposed of directing the 2nd respondent to pass orders in accordance with law basing on the report sent by the 4th respondent vide letter dated 25-09-2012 and forward the same to the 1st respondent within a period of (12) weeks from the date of receipt of copy of the order.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

C.PRAVEEN KUMAR,J

09-09-2015

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