

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.9842 of 2012 & 3437 of 2010

COMMON ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Since the issue involved in these two Writ Petitions is one and the same and since both the Writ Petitions are interconnected, they are disposed of by this common order.

These Writ Petitions came to be filed seeking to declare the action of the respondents in proceeding to pay ex-gratia to the third party for acquisition of land in Survey No.408/5 admeasuring Acs.5.00 cents situated at Chinnachowk Village, Kadapa Mandal and District for the purpose of Rajiv Gandhi Park, as illegal and arbitrary and consequently direct the respondents to dispose of the petitioner's representation dated 05.03.2012.

The facts which lead to filing of these Writ Petitions are as under:

The petitioner claims herself to be the owner and possessor of land in Survey No.408/5, admeasuring Acs.5.00, situated in Chinnachowk Village, Kadapa Mandal and District. It is stated that originally the father in law of the petitioner was granted DKT patta for the said Survey number vide patta No.597/77, dated 04.04.1968, and since then he was enjoying the same. The petitioner is said to have inherited the aforementioned property vide registered gift settlement deed in document No.4906/1980, dated 10.09.1980 and the rest of the

land was mutated in the name of her husband and his younger brother after demise of her father in law. While things stood thus, the third respondent issued notice in Ref.No.1623/89, dated 02.09.1989, proposing to cancel DKT patta assigned to the father in law, which is now in possession of the petitioner. The petitioner is said to have submitted a reply dated 16.09.1989 to the third respondent stating that none of the conditions of the DKT patta were violated and the same are baseless. Pursuant thereto, the third respondent dropped further action. It is stated that on coming to know about the resumption of the said land by the respondents for the purpose of Rajiv Gandhi Park, the petitioner approached 2nd and 3rd respondents claiming ex-gratia vide representation dated 29.09.2009. However, the third respondent proceeded with payment of ex-gratia to some third parties, without considering the case of the petitioner. Challenging the same, the petitioner filed W.P.No.3437 of 2010 before the Hon'ble High Court. On 17.02.2010, this Court while admitting W.P.No.3437 of 2010, directed the second and third respondents not to disburse or pay ex-gratia to any third party for resumption of the land. Subsequently, the petitioner made several representations including representation dated 05.03.2012, claiming payment of ex-gratia for resumption of the said land, which was not considered by the respondents. Aggrieved thereby, the petitioner filed W.P.No.9842 of 2012.

At the time when the matter is taken up for hearing, learned counsel for the petitioner submits that since the representation dated 05.03.2012, made by the petitioner seeking release of ex-gratia in her favour is still pending consideration, it would be sufficient if a direction is given to the respondents to dispose of

the representation at the earliest.

Learned Government Pleader for Revenue submits that such a direction may be given, provided the representation made by the petitioner is still pending consideration.

Having regard to the circumstances stated above and without going into merits of the case, both the Writ Petitions are disposed of directing the second respondent to dispose of the representation dated 05.03.2012, made by the petitioner, within eight (08) weeks from the date of receipt of a copy of this order, in accordance with law, provided the same is still pending consideration. Till such time, the interim order granted by this Court on 17.02.2010 in W.P.No.3437 of 2010 herein shall remain in force. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in these Writ Petitions shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

01.09.2015
vhb