

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.10339 of 2010

ORDER:

This Writ Petition is filed questioning the action of the respondents in not taking any action on the legal notices, dated 10.11.2009 and 03.12.2008, got issued by the petitioners, as illegal and arbitrary and consequently, direct the respondents to pay compensation to the petitioners in respect of the lands situated in Kona and Ontimamidi Villages of Thondangi Mandal, East Godavari District.

2. The averments in the Writ Petition are as under:

Petitioners, who are Daliths, are either assignees or legal representatives and successors of the original assignees in respect of the lands situated at Kona and Ontimamidi Villages of Thondangi Mandal, East Godavari District. It is stated that the Tahsildar, Thondangi Mandal, East Godavari-5th respondent issued notice for resumption of lands of the petitioners for establishment of Industrial Park for Andhra Pradesh Industrial Infrastructure Corporation. In reply to the said notice, the petitioners got issued legal notice on 03.12.2008 requesting for payment compensation under the Land Acquisition Act. Subsequently, the petitioners got issued another legal notice on 10.11.2009 requesting once again for payment of compensation under the provisions of the Land Acquisition Act in view of judgment of this Court. It is averred that till date the said legal notices were not considered. The Collector and District Magistrate, East Godavari District, Kakinada, vide letter, dated 13.11.2009, requested the Tahsildar, Thondangi Mandal, East Godavari District, to take necessary action on the legal notices, dated 03.12.2008 and 10.11.2009, said to have been submitted by the petitioners for payment of compensation. In spite of the same, no action has been taken.

3. A counter came to be filed by respondent No.5 stating that originally the subject lands were assigned to the petitioners, but the same were resumed on payment of ex gratia to the assignees or legal heirs as per G.O.Ms.No.1307 Rev (ASSN-I) Department, dated 23.12.1993 and accorded permission to the Collector, East Godavari District to handover advance possession of the land measuring Ac.2094.74 cents of Kona Village of Thondangi Mandal to APIIC Ltd., for

establishment of Industrial Park. Notices were issued to the D-pattadars as per Revenue Records, informing about resumption of lands on payment of ex gratia. It is also stated that on receiving resumption orders, the petitioners have got issued legal notices on 03.12.2008 and 10.11.2009, requesting for payment of compensation as per Land Acquisition Act on par with private lands and also requested to follow the guidelines laid down by this Court in the judgment, dated 09.03.2004 in W.A.No.170 of 2002.

4. The issue as to whether the petitioners, who are assignees of the Government land, are entitled for payment of compensation equivalent to the market value and other benefits, came up consideration before the Larger Bench of this Court in LAO-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad and others Vs. Mekala Pandu and others, wherein at para 109 of the said judgment the said aspect was dealt with. It reads as under:

“In the circumstances, we hold that the Assignees of the Government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act, 1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.”

In view of aforesaid judgment, learned counsel for the petitioners submits that the respondents shall consider the request made by the petitioners for payment of compensation. The said aspect is not disputed by learned counsel for the respondents.

5. For the aforesaid reasons, the Writ Petition is disposed of directing the respondents to consider the case of the petitioners for payment of compensation, if not already paid, and pass orders at the earliest. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this Writ Petition shall stand dismissed.

C. PRAVEEN KUMAR, J

OCTOBER 13, 2015

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Date: 13.10.2015

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