

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.9267 of 2008

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not re-determining the market value of the land of the petitioner situated at J.Annavaram Village, admeasuring Ac.1.15 cents in Sy.No.180/1 of Peddapuram, East Godavari District as arbitrary and illegal and consequently, to direct the respondent to pay the compensation by duly re-determining the market value of the land of the petitioner in terms of order of Senior Civil Judge, Peddapuram dated 8.3.2000 in O.P.No.53 of 1991.

According to the petitioner, his land in question was acquired by the Government for the purpose of Yeleru Reservoir Project by duly issuing notification dated 4.9.1987 under the provisions of the Land Acquisition Act and an award was also passed on 15.2.1990 and possession of the land was taken on 15.2.1996. Originally, the Land Acquisition Officer-respondent herein fixed the market value of the wet land ranging from Rs.16,000/- to 18,000/- per acre. Aggrieved thereby, some of the claimants, whose land was also acquired under the same notification, sought for reference and the reference Court passed an order in O.P.No.53 of 1991 and batch dated 8.3.2000 enhancing the market value of the wet land at Rs.50,000/- per acre and the Writ Petitions filed against the said order were also dismissed by this Court confirming the order of the reference Court. Since the land of the petitioner is of similar nature, he made an application to the respondent seeking to re-determine the market value of the acquired land in the light of the order passed by the reference Court. According to him, even though he is not a party to the reference proceedings, invoking the provisions under Section 28-A of the Act, he made an application before the respondent within the stipulated period i.e. on 13.5.2000 for considering his case also on the basis of the said order

passed by the reference Court followed by legal notice dated 13.9.2007, but so far, no action is taken by the respondent.

No counter affidavit is filed by the respondent. The learned counsel for the petitioner substantiated the fact that the petitioner has forwarded his application within the time to the respondent by duly producing the acknowledgement before this court. In the circumstances, this court feels it appropriate to dispose of the writ petition as follows:

The respondent herein is directed to consider and dispose of the application of the petitioner dated 13.5.2000 in the light of the order passed by the reference Court dated 8.3.2000 in O.P.No.53 of 1991 and batch on the file of Senior Civil Judge, Peddapuram and pass appropriate orders within a period of three months from the date of receipt of a copy of this order. The petitioner is also directed to communicate a copy of this order along with a letter addressed to the respondent within a period of ten days from today.

The writ petition is disposed of accordingly. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.29.01.2015

Tsr

