

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION No. 22244 OF 2011

Between:

S. Ajay Nagendra Babu and another

.. Petitioner

and

The District Collector, Krishna at Machilipatnam
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 2 and 3 in not assigning land admeasuring Ac.0.29 cents in R.S.No.98 and Ac.0.57 cents in R.S.No.99 situated at Gosala Village, Penamaluru Mandal, Krishna District, in favour of the petitioners, as illegal and arbitrary.

The case of the petitioners is that the 1st petitioner is no other than the son of the 2nd petitioner. It is stated that the 1st petitioner is the absolute owner and possessor of land admeasuring Ac.1.04 cents in S.No.97/1 of Gosala Village, Penamaluru Mandal whereas the 2nd petitioner is the absolute owner and possessor of land admeasuring Ac.1.68 cents in S.No.336/2 of Edupugallu Village, Kankipadu Mandal, Krishna District. While so, the 1st respondent is said to have published a notification on 24.09.2009 for acquisition of land shown in the schedule for the purpose of widening of road, which includes the land of the 1st petitioner. Being aggrieved by the same, the petitioners filed W.P.No.17765 of 2010 which was disposed of

on 11.08.2010 by directing the petitioners to submit objections within a period of two weeks. Pursuant to the said order, the petitioners submitted objections on 18.09.2010. But, the 2nd respondent is said to have rejected the request on the ground that the objections were not filed within the stipulated time. Questioning the same, the petitioners filed another W.P.No.2536 of 2011 which was also dismissed on 14.02.2011. Challenging the same, the petitioners filed a writ appeal which is said to be pending consideration. It is stated that even after the formation of road, land admeasuring Ac.0.29 cents in R.S.No.98 and Ac.0.57 cents in R.S.No.99 of Gosala Village is available with the respondent. Hence, the petitioners submitted a representation dated 23.03.2011 to the 1st respondent seeking assignment of the above said land in their favour, who, vide his proceedings L.Dis.No.G2/3448/2010, dated 30.03.2011, directed the 2nd respondent to enquire into the matter and take necessary action. As there was no response, the petitioners are said to have submitted another representation dated 16.05.2011 to the respondents 2 and 3, but till date, no action is initiated. Hence, the writ petition.

Though various grounds are raised in the writ petition, the learned counsel for the petitioners restricts his prayer seeking a direction to the 2nd respondent to pass appropriate orders on the representation dated 23.03.2011 made by the petitioners.

Having regard to the circumstances stated above and without going into the merits of the case, the 2nd respondent is

directed to pass appropriate orders on the representation dated 23.03.2011 made by the petitioners, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of the order, if the same is still pending.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

12th August, 2015
cbs

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