

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:10986 OF 2010

ORDER:

1. This writ petition is filed challenging the action of the respondents in not paying compensation payable to the petitioners for acquisition of their land admeasuring Ac.7.60 cents in Sy.Nos.363/1 of Kalanutala Village, Peddaraveedu Mandal, Prakasam District, or alternatively not referring the matter to the Competent Civil Court under Sections 30 and 31 of the Land Acquisition Act.

2. The 2nd respondent filed counter-affidavit stating that nothing has been received from any Department much less from the Irrigation Department for acquisition of the lands in question for any purpose much less in connection with Poola Subbaiah Veligonda Project and therefore, the contention of the petitioners that the subject lands of the petitioners are covered by the Land Acquisition Proceedings for the purpose of Poola Subbaiah, Veligonda Project is false and without any basis. It is further stated that the petitioners failed to establish that their lands in question are covered by any notification. Since no notification was issued in respect of the lands in question, the question of payment of compensation does not arise.

3. From the averments in the counter, it is apparent that no acquisition proceedings were issued in respect of the lands in question. The petitioners also did not state in the writ petition about any such notification. In view of the same, this Court is of the view that the present writ petition is misconceived and therefore, the same is liable to be dismissed.

4. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand dismissed.

Justice Raja Elango

Date:20.4.2015

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