

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.11682 of 2004

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

The petitioners state that the father of the first petitioner was the absolute owner of land to an extent of Acs.7.54 cents in Survey No.872/2 of Chinta Kommadinne Mandal, Chinta Kommadinne Village, Kadapa District. They further state that respondent Nos.1 and 2 initiated land acquisition proceedings in the year 1959 for the purpose of Agricultural Research Station. Though the possession of land was taken in the year 1959, the land was not utilized for the purpose for which it was acquired and it was kept vacant. In the meanwhile, the father of the first petitioner passed away in the year 1987. The Agricultural Department wanted to utilize the land and handed over to the Animal Husbandry Department in the year 1975. No compensation was paid, nor was an award passed in respect of the land taken from the petitioners. The Writ Petition was filed challenging the action of the respondents in not reconveying the land as it was kept vacant and unutilized for any purpose.

The respondents filed a counter affidavit stating that the land in Survey No.872/2 in an extent of Acs.7.54 cents of C.K.Dinne Village belonging to the first petitioner's father was acquired by the then Land Acquisition Officer and the Revenue Divisional Officer, Kadapa, on the requisition of the Agricultural Department for Agricultural Seed Farm vide Award No.6 of 59 dated 29.05.1959 along with other adjacent lands. The first petitioner's father was a big farmer. The land was handed over to the requisitioning department in the year 1959. Neither the petitioners nor the father of the first petitioner raised the issue of non-payment of compensation for the last 45 years, but filed the present Writ Petition. The petitioners are residents of Kadapa Town. Their representation

dated 15.01.2004 said to have been submitted by them, was not received by the Office. In fact, an extent of Acs.5.68 cents out of the land acquired was under the possession and enjoyment of the Andhra Pradesh Transco which has located its Electric Sub-Station in it and the balance extent of Ac.1.86 cents is proposed for alienation to the Police Department for construction of Police Station and Police quarters. Hence, the allegation that the land is vacant is not correct. It is further stated in the counter affidavit that the first petitioner's son met the officers twice, once for alienation of Ac.0.19 cents of land under the control of Animal Husbandry Department on payment of market value for rasta purpose to their other own lands demarcated into house site plots and second time for protection when C.P.M party workers forcibly occupied their lands treating it as Government tank. The authorities provided assistance and removed the encroachments with the help of Police. Thus, the land is not vacant and at no point of time there was a request for payment of compensation. The land was already vested with the Government and it will not be reconveyed.

The above facts clearly show that the land of the petitioners in an extent of Acs.7.54 cents in Survey No.872/2 of C.K.Dinne Village was acquired by the Government for the purpose of Agricultural Department for Agricultural Seed Farm. Out of the said extent, an extent of Acs.5.68 cents was handed over to the Andhra Pradesh Transco to locate its Electric Sub-Station in it and the balance extent of Ac.1.86 cents was proposed for alienation to the Police Department for construction of Police Station and Police quarters. There is no evidence filed on behalf of the petitioners to show that the compensation was not paid, nor any representation was made with regard to the payment of compensation for the last 45 years, though the Award was passed way back on 29.05.1959.

In the circumstances, the Writ Petition is misconceived, and the same is, accordingly, dismissed. The miscellaneous petitions pending, if

any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.02.2015
vs