

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 5023 OF 2015

ORDER:

The petitioners herein sought for a writ of mandamus for declaring the action of Respondents 1 to 5, namely the Andhra Pradesh Southern Power Distribution Company Limited, Tirupathi and its officers as well as the 6th respondent human resources supplying contractor in not engaging the 2nd petitioner as a Watchman at 33/11 KV Sub-Station, Vontimitta under the land losers' quota, as per the scheme evolved through G.O.Ms.No. 98, Irrigation (Projects Wing) Department, dated 15.04.1986, as arbitrary and illegal.

The case of the petitioners is that they are landless poor persons and hence, the 1st petitioner's father was assigned land of an extent of Acs.2.39 cents in Survey No. 2123/2A of Salabadu Village, Vontimitta Mandal, YSR Kadapa District. It is also the claim of the petitioners that after the death of their father, the 1st petitioner succeeded to the said land and she was also issued a pattadar pass book and title deed bearing No. 50C0-4404-2128-0504. The 1st petitioner's name was recorded as owner and possessor of the said land in the revenue record, but however, when a 33/11 KV Sub-Station was sought to be constructed at that particular site, Ac.0.60 cents of land belonging to the petitioners was found as required. In those set of circumstances, in view of the public utility and public interest, the 1st petitioner has expressed her no objection for resuming the land of Ac.0.60 cents and accordingly, the land was resumed. The Sub-Station is constructed thereon and it is also commissioned, but however, since no land acquisition proceedings have been initiated with regard to Ac.0.60 cents of land, the petitioners are not treated as land losers.

It is now firmly settled by a larger Bench of this Court in ***Land Acquisition Officer-cum-Revenue Divisional Officer v. Mekala***

Pandu^[1], which judgment has been subsequently upheld by the Supreme Court, that even resumption of the assigned lands from the possession of the assignees amounts to one form of acquisition of land compulsorily and hence, they are also entitled for payment of compensation for the improvement effected of such land. In view of the principle, it is only appropriate that the District Collector shall treat the case of the petitioners as land losers.

Hence, I give liberty to the petitioners to draw a detailed representation, enclosing thereto the proof of assignment of land and also resumption of land of Ac.0.60 cents from their possession for construction of sub-station and upon taking the same into account and consideration, the petitioners shall be treated as land losers along with all others, whose land has been acquired by virtue of a notification issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 and on that basis, the benefits of rehabilitation by offering suitable employment to one of the family members under 50% land losers' quota shall be extended. I am sure the District Collector will deal with the representation of the petitioners in a maximum period of two months from the date of receipt of the said representation and communicate his decision to Respondents 1 to 6, so that the case of the 2nd petitioner herein can be considered for engagement as a Watchman under 50% land losers' quota.

The Writ Petition with this order stands disposed of after hearing Sri P. Lakshma Reddy, learned Standing Counsel for Respondents 1 to 5. No costs.

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

NOOTY RAMAMOHANA RAO, J

25th March 2015

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^[1] AIR 2004 AP 250