HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13607 of 2012

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue (Land Acquisition) appearing for the respondents 1 to 3. 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 1 to 3 in not including the names of the petitioners in the final notification dated 27.03.2012 though their names were shown in the draft notification, as illegal and arbitrary.

The facts in issue are as under:

The petitioners herein claim to be the owners and possessors of house bearing No.1-100 admeasuring 242 sq. yards in Survey No.429 situated at Madugulapally Village, Thipparthy Mandal, Nalgonda District, having acquired the same from their mother vide gift deeds dated 17.08.2007. It is stated that the petitioners are paying property tax to the Grampanchayat. While things stood thus, in the month of January, 2012 the 1st respondent issued a draft notification in Form-2A under Section 4(1) of the Land Acquisition Act acquiring land for public purpose, namely, for widening of Narkatpally-Addanki bypass road, wherein it was mentioned that extents of 36 sq. yards and 325 sq. yards in Survey No.429 belong to the 1st petitioner and the 4th respondent respectively.

It is stated that recently, a final notification for acquiring land was published in Andhra Pradesh State Gazette vide notification No.G1/2999/2012 dated 26.03.2012, wherein the names of the petitioners were excluded, though their names were shown in the draft notification. Since the final notification is not in accordance with the draft notification, the petitioners made a representation dated 19.04.2012 to the 2nd respondent. It is stated that though the said representation was received, till date no orders are passed thereon. Hence, the present 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 orders on the representation of the petitioners, at the earliest.

The learned Government Pleader for Revenue submits that he has no instructions as to whether any orders are passed on the representation of the petitioners.

Having regard to the circumstances stated above and without going into the merits of the case, the Writ Petition is disposed of, directing the 2nd respondent to pass orders on the representation of the petitioners dated 19.04.2012, if it is still pending consideration, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of the order. If orders are already passed on the representation of the petitioners, a copy of the same shall be communicated to the petitioners if not already done. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

9th September, 2015
cbs

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