

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.12075 of 2011

ORDER:

The petitioner claims to have right to receive compensation in terms of an award passed in P.L.C.No.206 of 207, dated 19-07-2006 in respect of Ac.0-50 cents in Sy.No.179/1 and 3 situated at Anantapur Municipal Corporation Limits leading from APSRTC Bus stand to Gooty Bus Road connecting Master Plan Road as the same was acquired by the 2nd respondent – Municipal Corporation for the purpose of widening the 50 feet road leading to APSRTC Bus stand to Gooty Bus Road connecting 80 feet wide Master Plan to Sri Venkateswara Talkies Road.

Learned counsel for the petitioner submits that earlier one of the owners of the said lands filed W.P.No.12953 of 2005 aggrieved by the action of respondent corporation in not paying compensation in respect of the acquired lands and by virtue of the award passed in P.L.C.No.206 of 207, dated 19-07-2006. It is also submitted that the petitioner herein is entitled to receive compensation and the respondent corporation is not paying compensation in pursuance of the earlier orders. Hence, the present writ petition.

Now, counter-affidavit is filed admitting about acquiring of land from the petitioners for widening the 50 feet road leading to APSRTC Bus stand to Gooty Bus Road connecting 80 feet wide Master Plan to Sri Venkateswara Talkies Road and in view of non-payment of compensation earlier W.P.No.12953 of 2005 was filed before this Court. It is also admitted that the said writ petition was disposed of to allot alternative site in lieu of acquisition of land

from the petitioners therein and also directed to pay due compensation in accordance with the market value for the extent which municipal corporation has acquired and the same exercise shall be completed within four weeks. But due to some reasons, the same was not implemented. It is also submitted in the counter-affidavit that the matter was referred to the 1st respondent for grant of permission to pay compensation to the writ petitioner and the same was pending before the 1st respondent. It is further submitted that if the 1st respondent accorded permission for grant of compensation, the corporation is willing to pay the compensation as directed by this Court.

Now, W.P.M.P.No.35820 of 2015 is filed seeking direction to the respondents to pay the compensation tentatively as estimated in the report in R.C.No.4134/2001/ G1, dated 10-12-2014 of the 2nd respondent herein submitted to the District Collector, Anantapur admitting about filing of writ petitions and laying of road and also estimated cost of land was also given in the said proceedings.

Heard learned counsel for the petitioner and learned Standing Counsel for Respondent Corporation.

Learned Standing Counsel for respondent submitted that the Corporation requests some time for payment of compensation since the lands in Sy.No.179/1 were acquired for laying of roads.

The pleadings of the parties goes to show that the land in Sy.No.179 to an extent of 50 cents was utilized by the 2nd respondent corporation for laying a road, which is admitted in the counter-affidavit and this Court also directed the respondents in W.P.No.12953 of 2005 to pay compensation to the petitioners

therein and proceedings in R.C.No.4134/ 2001/G1, dated 10-12-2014 also indicated that the lands in Sy.No.179/1 were acquired for laying road and estimated compensation is also mentioned in the said proceedings.

In view of the same, the writ petition is disposed of, directing the respondent corporation to pay compensation to the petitioner or in the alternate allot suitable land to the petitioner. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in the Writ
Petition shall stand closed.

A. RAJASHEKER REDDY, J

September 21, 2015

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