

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.24404 of 2015

BETWEEN

Bandaru Nataraja Kumar.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, I & CAD Department,
Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 24.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition.

2. Petitioner herein is one of the affected persons on account of submergence of villages under the Somasila Project. The acquisition proceedings for the project commenced under Section 4(1) notification under the Land Acquisition Act (for short 'the Act') dated 12.08.1980, ultimately, resulting in Award No.10 of 1986 dated 16.09.1986, which was later subject to reference in OP.No.313 of 1989 and batch before the Senior Civil Judge, Rajampet, YSR Kadapa District. Petitioner herein states that he filed an application under Section 28-A of the Act through his counsel on 05.07.1999 for each item of land under Ramamambapuram village. Ex.B1 shows that the petitioner counsel filed 28 different applications under a covering letter together with judgment copy in the land acquisition OP's and the list of names, category of land, survey number and the extent in a tabular form.

3. Against enhancement of compensation ordered in the said batch of reference cases dated 23.10.1998, appeals were stated to have been filed by the Government before this Court in A.S.No.291 of 2004 and batch. Petitioner states that in view of pendency of appeals,

no action was taken on the said application but the appeals have since been dismissed as withdrawn by orders of this Court dated 28.12.2006, 29.12.2006 and 27.04.2007 and thereby, the judgment and decree of the reference Court had attained finality. The present writ petition is filed alleging that in spite of finality attached to the said order, the application

of the petitioner for redetermination of compensation is not taken up and the same still remains pending.

4. Learned Government Pleader has filed a counter affidavit of the third respondent wherein, *inter alia*, the material facts relating to acquisition proceedings including the order under reference case is not disputed including the pendency of the application of the petitioner dated 05.07.1999 under Section 28-A of the Act. It is also admitted that the batch of first appeals were dismissed as withdrawn and it is stated that, thereafter, the decretal amounts were deposited in the Senior Civil Judge Court, Rajampet during the year 2007-2008.

So far as application of the petitioner is concerned, it is specifically stated that after verification of genuinity and eligibility and other material, appropriate action will be taken as per the Act.

5. Since the application of the petitioner is pending since 05.07.1999, in my view, the application is required to be considered and disposed of.

In the circumstances, the writ petition is disposed of directing the third respondent to fix a date of hearing, examine the application, hear the petitioner and pass appropriate orders, as expeditiously as possible and in any case, on or before 31.12.2015.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 24, 2015

DSK