

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 10202 OF 2016

-
ORDER :
-

This writ petition is filed seeking writ of mandamus directing the respondents to consider application of the petitioner dated 16.10.2015 made under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') for payment of compensation in respect of petitioner's acquired lands along with other claimants under judgment and decree in O.P.No.99 of 2010, on the file of Senior Civil Judge, Miryalaguda, dated 29.06.2015 and consequently declare the inaction of the respondents in not conducting an enquiry upon the application of the petitioner made under Section 28-A of the Act for re-determination and payment of compensation on par with the claimants as illegal and arbitrary.

2. It is the case of the petitioner that his land was acquired along with other claimants' lands basing on notification issued under Section 4(1) of the Land Acquisition Act, dated 15.02.2000, which was published in the District Gazette on 15.02.2000. A common award was passed on 19.09.2002 vide proceedings No.E1/5520/1998, fixing the compensation of Rs.2 lakhs per acre for Category-I lands and Rs.2,50,000/- per acre for Category-II lands along with other statutory benefits. When some of the claimants have filed applications under Section 18 of the Act, same were registered as O.P.Nos.1 to 9 of 2005 and batch on the file of Senior Civil Judge, Miryalaguda. By judgment dated 25.02.2009, compensation was enhanced by the reference Court to Rs.564 per square yard, which was confirmed by judgment dated 27.02.2015 in LAAS No.134 of 2010 and batch by this Court. Petitioner made application dated 02.03.2009 and obtained copy of judgment dated 25.02.2009 made in O.P.No.2 of 2005 and batch and he made an

application under Section 28-A of the Act for re-determination of compensation on 20.08.2009, but no action was initiated. Later petitioner made another application on 16.10.2015 under Section 28-A of the Land Acquisition Act by enclosing the copy of judgment and decree dated 29.06.2015 made in O.P.No.99 of 2010 for re-determination of compensation, but no orders are passed. Aggrieved by the same, present writ petition is filed.

3. Heard Sri L.Preetham Reddy, learned counsel for the petitioner, learned Government Pleader for Land Acquisition appearing for respondents 1, 2 and 4 and learned Assistant Government Pleader for Roads and Buildings appearing for 3rd respondent.

4. Since it is stated that petitioner made application dated 16.10.2015 under Section 28-A of the Act in pursuant to the judgment dated 29.06.2015 in O.P.No.99 of 2010 and also earlier application made by the petitioner in the year 2009 pending, it is for the 4th respondent to consider the same in accordance with law and take action thereafter.

In view of same, without going into the merits of the case, 4th respondent is directed to dispose of the application dated 16.10.2015 filed by the petitioner under Section 28-A of the Act and take action in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

30.03.2016.
kvs

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

-
-
-
-
-
-
-
-

W.P. No.10202 OF 2016

Date: 30-03-2016

kvs

