

HON’BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 15758 of 2016

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DATE: 03.08.2016

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Between:

Sarvepalli China Sankar Rao .. Petitioner

And

The State of Andhra Pradesh
and three others .. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proceeding with the Land Acquisition Proceedings in respect of the petitioner’s land in an extent of Ac.05.00 cents in Sy.No.6 situated in Menakur village, Naidupet Mandal, SPSR Nellore District, without paying compensation in accordance with law, as illegal and in violation of Article 21 of the Constitution of India and consequently direct the respondents to pay the compensation in accordance with law.”

It is averred in the writ affidavit that the petitioner had worked as Karanam in the erstwhile A.P. Revenue Laws and later he was absorbed in the Revenue Department as a consequence of abolition of Old Revenue System and introduction of New Posts such as Village Revenue Officer. He retired as Panchayat Secretary in the year 2006. The petitioner was assigned an extent of Ac.5.00 cents of land in Sy.No.6 under patta bearing F.Dis.No.350/79, dated 14.05.1970. The subject land was government waste land free from encroachment and it was assigned to the petitioner after following the due process. The petitioner was issued proceedings assigning the subject land in his favour. Thus, the assignment effected in favour of the petitioner is valid and binding on the respondents. In terms of G.O.Ms.No.1142, Revenue, dated 13.06.1954, the terms “Landless Poor

Persons” shall mean to include Teachers in Elementary Schools, Post Masters and their staff members, Village Servants and Village Karanams or Village Officers, and accordingly, the application of the petitioner was considered by the authorities concerned at the relevant point of time and the land in question was assigned in his favour. Apart from this, no member of the petitioner’s family own any landed property. Subsequently, the assigned land was resumed by the Government along with other fields in Menakur village for establishment of Industrial Park by the APIIC Ltd., Nellore.

Now, the petitioner’s grievance is that even though he claimed for payment of *exgratia* for resumption of his land, the 3rd respondent – Revenue Divisional Officer, by proceedings dated 10.12.2008, rejected his claim on the ground that he is not eligible for the same.

The learned counsel for the petitioner has submitted that since the respondents have not paid any *exgratia* to the petitioner, the petitioner challenged the same before the Upa-Lokayukta of Andhra Pradesh, Hyderabad in Complaint No. 294/2008/B2, and the Upa Lokayukta, vide order dated 07.12.2011, while closing the complaint, directed the Collector, SPSR Nellore District to consider the case of the complainant sympathetically and assign an alternative land available as per rules.

The learned Government Pleader for Revenue appearing for the respondents, has submitted that vide order dated 10.12.2008, the claim of the petitioner for payment of *exgratia* for Ac.5.00 cents of land was rejected on the ground

that he is not eligible for the same. Thereafter, vide Communication dated 25.08.2009 sent to the District Collector by the Revenue Divisional Officer, Gudur, the petitioner was suggested to take up alternative land.

Heard the learned counsel for both the parties and perused the material placed on record.

The relevant portion of the Communication dated 25.08.2009 sent to the District Collector, Nellore is extracted hereunder:

“Thereupon, the complainant was asked to appear before me on 17.08.2009 in this regard in this office Rc.A.2686/06, dated 10.08.2009. He attended for enquiry on 18.08.2009. I have suggested him to take up alternate land in any of the nearby villages in Sydapuram Mandal as it will be very nearer to Podalakur where he is residing. He stated that he cannot attend to agriculture if alternate land is assigned to him due to his old age, financial position and for want of assistance, etc. On the other hand, he requested for payment of exgratia for the land already assigned for which he is ineligible and proposals are called for cancellation of the patta under BSO 15(18) in the reference 1st cited.”

The statement made by the petitioner before the Revenue Divisional Officer, Gudur during enquiry, is as under:

“I am resident of Maruthi Nagar of Podalakur village. I have possession of Ac.05.00 cents of assignment land in Sy.No.6 of Menakur village of Naidupet Mandal. The Government occupied the above said land for industrial development. The Government have not paid compensation to me. I have filed a complaint before the Hon'ble Lokayuktha at Hyderabad. I was resident of Manakur village and at that time I was earning Rs.59/-. I am below poverty person and the Government have sanctioned assignment patta in my favour. The Revenue Divisional Officer, Gudur, on enquiry about the matter, suggested me to take up alternative land in any of the nearby village. But, I refused his proposal due to my old age and financial problems and my family members are not cultivating land for want of assistance, etc.

I request the Government to pay me exgratia in the same

manner as paid to farmers of the Menakur village for having occupied my assignment land of an extent of Ac.05.00 cents in Sy.No.6 of Manakur village.”

The fact remains that till date the petitioner is neither paid exgratia in lieu of his resumed land nor allotted alternate land. Though the learned Government Pleader has submitted that the petitioner did not come forward to take alternate land which was identified way back in the year 2009 as is evident from the letter dated 25.08.2009 written by the Revenue Divisional Officer, Gudur to the District Collector, Nellore.

A perusal of the letter dated 25.08.2009 reveals that it is nowhere mentioned that any alternate land was identified and allotted to the petitioner. This shows that till date the respondents have not identified the land, as such, the question of allotting the land does not arise. Therefore, the respondents cannot blame the petitioner who did not come forward to take alternative land.

It is to be noticed that the petitioner, after running from pillar to post, filed complaint before the Upa-Lokayukta, and as noted above, the same was closed vide order dated 07.12.2011, however the petitioner's grievance has not been redressed so far.

From this, it is obvious that the Government has no concern about the problems of poor people. The Government made the petitioner run from pillar to post. The petitioner, after his land was acquired by the Government, filed complaint before the Upa-Lokayukta and also writ petition before this Court, and thus, not only his money in this

process but also his time and energy were consumed, whereas the respondents do not bother at all about what happened to poor people by simply avoiding the need and legal right of the poor citizen under one pretext or the other.

In such issues, the Government should take a lead not only to sensitize the issue but also sensitize the officers to take immediate steps and do at least possible legal things which the citizen of this country is entitled to.

Keeping in view the aforementioned discussion, this Court is inclined to dispose of the writ petition with the following direction:

“The respondents are directed to allot alternate land physically to the petitioner within a period of four weeks from today. It is made clear that the respondents - Government shall pay costs of Rs.1.00 lakh (Rupees One Lakh Only) to the petitioner and an amount of Rs.50,000/- (Rupees Fifty Thousand Only) to the Member Secretary, Andhra Pradesh State Legal Services Authority, Hyderabad within a period of two weeks from today.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

03.08.2016

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