

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17386 of 2007

ORDER :

Heard Mr.K.Chidambaram for petitioner and the Assistant Government Pleader (Land Acquisition).

2. The petitioner prays for Mandamus declaring proceedings ROC.No.269/2007(G2), dated 19.01.2007 of 1st respondent issued under Section 4(1) of Land Acquisition Act, proposing to acquire an extent of 503 sq. yards in Sy.No.190/4 of Tadepalligudem town, West Godavari District as illegal and violative of Section 5(2) of the Land Acquisition Act, 1894 and unconstitutional.

3. The petitioner contends that the impugned proceedings do not recognise her proprietary right and the initiation of land acquisition proceedings by describing Busi Aseervadam as owner of subject matter of the writ petition, is illegal and unconstitutional. On 14.08.2007, this Court granted interim stay as prayed for. The respondents filed W.V.M.P.No.95 of 2008.

4. The proceedings of the 1st respondent dated 01.07.2007 deal with consideration of objections raised by the owners of properties under acquisition. Paragraph 11 reads thus:

“On the objection the Revenue Divisional Officer, Eluru reported that the land in R.S.No.190/4 is classified as Inam Dry as per

the Village accounts. The name of Busi Asirvadam was published in the Draft Notification as per the fair land register, as the present enjoyment of the vacant land was not identified. But during the enquiry Smt.Akkiseti Meera Madhavi Latha W/o.Sai Kumar resident of Tadepalligudem town has filed a document No.1389/04 stating that she has purchased 503 Sq. Yards site in Old R.S.No.140/1 under the registered document in an open auction from State Bank of Hyderabad under the Court decree. The matter has been enquired and the ownership rights of the petitioner were identified. The part of 503 Sq. yards in R.S.No.190/4 is being proposed for acquisition for laying of ROB/Bye pass road connecting Eluru road with KN.Road. It is a compulsory acquisition for public purpose. The petitioner will be paid compensation for the land acquired as per the provision of the land acquisition Act.

The petitioner is a F.P.Shop Dealer in Tadepalligudem Town and her husband is maintaining one Medical Shop. As per the statement recorded from the petitioner they have purchased the said site under auction from the State Bank of Hyderabad. They comes under APL Category.”

5. With the assistance of learned counsel appearing for parties, I have perused the pleadings, proceedings dated 01.07.2007 and taken note of the submission made by Mr.Chidambaram. Prima facie I am of the view that the challenge to proceedings dated 19.01.2007 by reference to the circumstance, namely, that the name of petitioner is not shown as owner of subject matter of the litigation

need not be considered, for, the 5th respondent, after due verification of the transfer of ownership in favour of petitioner, accepted that the petitioner is the owner and further noted that petitioner will be paid compensation in accordance with law. The purpose of acquisition is to lay bypass road connecting Eluru road and KN road and no other objection either on the public purpose or the procedure followed by the 1st respondent, is taken. The solitary objection raised by petitioner fails and the writ petition is dismissed accordingly.

6. Mr. K.Chidambaram, by placing reliance upon **Devidas R.Bollaki and others vs. State of Telangana** ^[1], contends that even assuming that the acquisition proceedings already initiated can be completed under Act 30/2013, and compensation shall be paid under Section 23 of Act 30/2013. The submission is noted and petitioner is given liberty to represent for relief in accordance with law, to 1st respondent when notice for determination of compensation is issued, 1st respondent considers representation and pays compensation in accordance with law.

Pending miscellaneous applications, if any, shall stand closed. No order as to costs.

S.V.BHATT, J

26th July 2016

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ajr

[\[1\]](#) 2015(2) ALT 419.