

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.3431 of 2012**

**ORDER:**

1. The petitioners claim that 1<sup>st</sup> petitioner is the owner and possessor of agricultural lands in Sy.Nos.358, 360, 363 and 364 to an extent of Ac.0.91, Ac.0.18, Ac.0.07 and Ac.1.41 cents respectively; 2<sup>nd</sup> petitioner is the owner and possessor of the land in Sy.No.358 to an extent of Ac.0.91 cents and the 3<sup>rd</sup> petitioner is the owner and possessor of agricultural land in Sy.Nos.364 and 363 to an extent of Ac.1.41 and Ac.0.06 cents respectively, situated at Thollaganganapalli village, Vallur Mandal, Kadapa District. They claim that they have acquired the said lands under registered documents and by succession. The said lands were sought to be acquired for the development of an Industrial Park in Thollaganganapalli village. In those circumstances, they challenged the acquisition of their lands without following the provisions of the Land Acquisition Act.

2. A counter-affidavit was filed by the 4<sup>th</sup> respondent stating that as per RSR, the lands claimed by the petitioners are originally classified as Assessed Waste Government lands. Notification under Section 4 (1) of the Land Acquisition Act, 1894 was issued for acquisition of patta lands as per the requisition given by the Zonal Manager, A.P.I.I.C. Limited, Kadapa, for establishment of Mega Industrial Development Park. Since the lands claimed by the

petitioners are Government lands, they were not notified under Land Acquisition Act. Mere granting of pattadar pass books and title deeds do not confer any title on the petitioners. It is further stated that compensation for the patta lands and exgratia for the DKT lands was paid, but no compensation was paid to the petitioners, who are encroachers of the Government land.

3. It is clear from the above averments that though the lands of the petitioners were taken possession, no compensation was paid by the respondents on the ground that the said lands are Government lands. In order to claim compensation, the petitioners have to establish their title to the lands.

4. In the circumstances, liberty is given to the petitioners to take appropriate civil proceedings claiming title to the lands and depending on the decree, they can take appropriate proceedings thereafter. In the absence of any conclusive determination of the title of the petitioners, no relief can be granted in the present writ petition.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**A.RAMALINGESWARA RAO, J**