

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.8597 of 2009

ORDER:

Heard the counsel for petitioners and the Assistant Government Pleader for Land Acquisition.

The grievance of the petitioners is that the respondents did not pay compensation to the petitioners having acquired the land in Sy.No.306 at Vakapadu Village, SRayavaram Mandalam, Visakhapatnam District, for establishing Naval Alternative Operating Base (NAOB) and further complaint is that the representations filed by the petitioners are not considered and disposed of by respondent Nos.1 to 4. Hence, the writ petition.

On 24-04-2009, this Court granted interim direction directing the respondents to consider the representations of the petitioners dated 14.03.2008, 26.09.2007, 08.10.2007 etc., for payment of compensation as recommended by the 2nd respondent in his proceedings dated 25-03-2008.

The respondents filed counter affidavit and also a petition to vacate the interim order dated 24-04-2009.

Counsel for the petitioners while disputing the objection viz., that the names of petitioners are included only for one Fasi 1413 and therefore they are not entitled to compensation, raised in the counter affidavit, relies upon a few additional documents and contends that the interim direction was only to dispose of

representations, had the respondents given opportunity to petitioners to place documents in support of their claim, they would have certainly satisfied the authority both on the enjoyment and duration of enjoyment of Sy.No.306 and that the petitioners are entitled for compensation.

On the other hand, the Assistant Government Pleader by relying upon the annexures filed along with the vacate stay petition argues that the documents relied upon by the respondents clearly establish that the petitioners are not entitled to compensation. Therefore, the compensation was not paid to them rightly.

After hearing the learned counsel appearing for the parties and after perusing the documents on which reliance is placed by petitioners, this Court is of the view that the primary fact-in-issue to be examined by the respondents with reference to revenue records is whether the petitioners were in possession of Sy.No.306 and if so, for how long the petitioners were in possession etc. and qualify for paying compensation.

The decision on payment of compensation is dependent upon consideration of the above fact-in-issue. Therefore, though an attempt is made to get a finding on this aspect by the parties, I am not inclined to examine the fact in issue between parties but consider it appropriate to direct the 1st respondent to dispose of representations, call for the revenue records of subject village for about 10 Faslis prior to acquisition, afford opportunity to petitioners

and dispose of their grievance and communicate the order. Subject to the decision of the 1st respondent, further steps can be pursued or worked out by parties.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dt: 22-09-2016
Prv

S. V. BHATT, J



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22-09-2016

Prv

