

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15560 of 2015

ORDER:

The case of the petitioner is that he is the owner of land admeasuring Ac.04-02 cents in Sy.Rs.No.428-2 of Pragadapally Village vide patta No.419 and pass book No.432554 issued by the 4th respondent.

The Settlement Officer also issued proceedings dated 20-08-2005 in Sr.No.6/2005 in favour of the petitioner and his forefathers have been continuing in possession from 1920 onwards. The 4th respondent issued order in ROC.No.32/2005 (c) dated 08-05-2005 stating that out of Ac.04-02 cents of land, two acres of the land is taken away for the purpose of construction of Satya Sai Safe drinking water Head works. It is stated that the 3rd respondent issued letter to the Superintending Engineer RWS Eluru in ROC.No.D-1270/2007, dated 09-01-2008 to deposit Rs.4.00 lakhs towards compensation and to initiate land acquisition proceedings. The 2nd respondent issued letter on 08-06-2011 stating that two acres of land is required for Satya Sai safe drinking water Head works and the 3rd respondent is appointed for acquisition of land and to inspect the site. The respondents have not issued any notice to the petitioner for acquisition of land. The petitioner states that they have not deposited any compensation till today and he made representation to the respondents on 14-04-2005 and the 4th respondent addressed letter dated 08-05-2005 to the Forest Range Officer to make assessment of value of the land. The 3rd respondent also addressed letter dated 09-01-2008 to the Superintendent Engineer, RWS, Eluru to deposit compensation. The first respondent vide letters dated 12-01-2010, 09-11-2010, 10-12-2010, 21-12-2010 directed the 2nd respondent to take steps for payment of compensation and the petitioner made representation on 01-03-2011 to the Revenue Divisional

Officer, Jangareddygudem. In spite of several representations, no action has been taken and no compensation is paid to the petitioner. Without issuing Land Acquisition proceedings, land of the petitioner is occupied. Aggrieved by the same, the present writ petition is filed.

The writ petition is listed on 04-06-2015 and adjourned to enable the Government Pleader for Land Acquisition to get instruction. When the matter is listed today, though the learned Assistant Government Pleader seeks time for getting instructions. Perusal of the material papers filed along with writ petition goes to show that Draft Declaration under Section 6 of the Land Acquisition Act was issued on 08-06-2011 in A.P. Gazette, in which the name of the petitioner is shown and extent of two acres is required along with trees in RS.No.428-2, though the 1st respondent addressed several memos to the 2nd respondent for payment of compensation, no action has been taken. The correspondence between the officers also goes to show that letter dated 09-01-2008 addressed by the 2nd respondent to the Superintending Engineer (RWS) also goes to show that land of the petitioner was surveyed and it is also held that the petitioner is entitled to receive the compensation and the 3rd respondent also directed the Superintending Engineer to deposit the amount towards payment of compensation for initiating land acquisition proceedings.

Heard learned counsel for the petitioner and learned Assistant Government Pleader Land Acquisition.

The correspondence referred to above goes to show that the petitioner's land was acquired for the construction of Sri Satyasai Drinking water project and letters are also issued by the 4th respondent FRO for estimating the value of the trees found in the land of the petitioner i.e. Ac.02-00 cents in Rs.No.428-2 of Pragadapally Village, which is sought to be acquired for the above mentioned purpose and the proceedings of the Revenue Divisional Officer, Jangareddigudem dated 09-01-2008 also goes to show that the land of the petitioner

sought to be acquired was taken possession for the above project and the Revenue Department was directed to deposit the compensation. In spite of directions, neither the 2nd or 3rd respondent has taken any steps for payment of compensation to the petitioner, which shows insensitiveness of 2nd and 3rd respondent.

In view of the above facts and circumstances, I am of the opinion that the petitioner is entitled for compensation in respect of his land i.e. Ac.2-00 cents, which was referred to in Draft Declaration issued under the Act on 08-06-2011. Since it is stated across the bar that as no award is passed, the petitioner is entitled for compensation as per Act 30 of 2013 i.e. The Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013. In view of the same, the 3rd respondent is directed to complete the process of determining the compensation as per the Act 30 of 2013, in accordance with law, within a period of four months from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

A.RAJASHEKER REDDY,J

19-04-2016
Nvl

