

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3116 OF 2014

ORDER:

This writ petition is filed seeking to issue a writ more particularly one in the nature of mandamus declaring the action of the respondents in taking possession of petitioner's patta land to an extent of Ac.3-00 cents, situated at Sy.No.757, Chinadandulur Village, Yerraguntla Mandal, YSR Cuddapah District, for establishment of 5th respondent-Thermal Power Plant as being illegal, arbitrary and contrary to the provisions of the Land Acquisition Act, and consequently direct the respondents to pay an amount of Rs.1,00,000/- for each year from 1993 as compensation till the proceedings under the Land Acquisition Act are initiated and further direct the respondents to forthwith issue notification under the provisions of Land Acquisition Act in respect of the petitioner's patta land and pass consequential orders thereon.

2. Learned counsel for the petitioner submitted that in respect of the very same lands situated in the same survey number *i.e.* Sy.No.757, Chinadandulur Village, Yerraguntla Mandal, YSR Cuddapah District, the other owners of the lands filed writ petition being WP No.21415 of 2000, when the

respondents claimed that the lands in question are Government lands and not patta lands and they are not entitled for any compensation. Learned counsel for the petitioner further submitted that the said writ petition, WP No.21415 of 2000 was allowed by this Court with certain directions, operative portion reads thus:-

“The writ petition is accordingly allowed, directing that,

a) Respondents 1 and 2 shall ensure that notifications under Sections 4(1) and 6 of the Land Acquisition Act, 1894 for the land in question are published within two months from the date of receipt of a copy of this order; duly ensuring compliance from the agency, which is now running the thermal station;

b) The compensation shall be paid within three months thereafter, duly passing an award in accordance with law. In case the compensation is not paid by that time, respondents 1 and 2 shall be under obligation to pay a sum of Rs.5,000/-, as costs and damages at the rate of Rs.10,000/-, per year, from 1989 till the date of payment of compensation.”

3. Though learned Government Pleader for Revenue has not disputed the submissions made by the learned counsel for the petitioner, but stated that respondents are taking steps to file appeal against the order passed in WP No.21415 of 2000, dated 01-03-2012.

4. A reading of the above order goes to show that the subject matter in the above said writ petition and the subject matter in the present writ petition is one and the same.

Petitioner's case in this matter also relates to acquisition of land in same survey no.757 and for the establishment of 5th respondent-Thermal Power Project and till now neither any notification as required under Section 4 (1) of the Act is issued nor any compensation is paid for the land in question to him.

Though it is stated by the learned Government Pleader for Revenue that the respondents intends to file appeal against the order in WP No.21415 of 2000, the fact remains that no appeal is filed till today. In the circumstances, I do not find any reason to deny the relief to the petitioner as was granted to the petitioners in WP No.21415 of 2000. In the result, the writ petition is allowed in terms and for the reasons stated in WP No.21415 of 2000. Miscellaneous petitions, if any, pending in this Writ Petition shall stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 24-06-2016

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