

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.36687 of 2016

ORDER:

Heard Mr.V.Hanumanth Rao for petitioners and the Government Pleader (land acquisition).

The petitioners complain against respondents 1 to 4 in withholding compensation payable to petitioners pursuant to construction of Narlapuram Balancing Reservoir for the following lands:

"i. Sy.No.191/1A1 extent of Ac. 0.13 gts, Sy.No 191/2/2 Extent of Ac.2.21 gts, total Ac.2.34 gts of the 1st writ petitioner,
ii. Sy.No.191/1A2 extent of Ac. 0.13 gts, & Sy.No 191/2/1 extent of Ac.2.21 gts, total Ac.2.34 gts of the 2nd writ petitioner
iii. Sy.No.191/1A2 extent of Ac. 0.25 gts, & Sy.No 191/3 Extent of Ac.4.36 gts, total Ac.5.21 gts of the 3rd writ petitioner"
situated at Eluru Village, Kollapur Mandal, Nagarkurnool District, as illegal, arbitrary and unconstitutional.

The Government Pleader for Land Acquisition places on record the written instructions dated 27.10.2016. As the respondents are substantially admitting the claim of the petitioners, this Court considers it appropriate to excerpt the written instructions as part of the order:

" I invite kind attention to the subject and reference cited and submit that 1) Sri G.Balaswamy S/o.Karrenna R/o.Yelluru, 2)Smt.G.Kashamma W/o.Eashwaraiah R/o.Yelluru and 3) Smt.G.Kurvamma W/o.Bala Kistaiah R/o.Yelluru village have filed W.P. in Hon'ble High Court at Hyderabad on 25.10.16. In this regard I submit few facts and instructions in this W.P. as shown below.

The Sy.No.191 total an extent Ac 11.07 gts situated in the limits of Yelluru village of Kollapur Mandal is Govt assigned land and stands assignment patta in the names of writ petitioners as shown below:

Sl.No.	Sy.No.	Name of the petitioner	Assignments	Enjoyment report
1	191/A1	G.Balaswamy S/o.Karrenna	0.12 $\frac{1}{2}$	-
2	191/A2	G.Kashamma W/o.Eashwaraiah	0.12 $\frac{1}{2}$	-
3	191/B	G.Kuruvamma W/o.Balakistaiah	0.25	-
4	191/2/1	G.Kashamma W/o.Eashwaraiah	2.20 $\frac{1}{2}$	2.17
5	191/2/2	G.Balaswamy S/o.Karrenna	2.20 $\frac{1}{2}$	2.17
6	191/3	G.Kuruvamma W/o Balakistaiah	4.36	2.17
		Total	11.07	7.11

The writ petitioners though having assignment to the extent of Ac 11.07 gts, possession is only Ac.7.11 gts proposal for payment of Compensation to the extent of Ac.7.11 gts is submitted to LPO/RDO Nagarkurnool and it is in the process. In the remaining extent Ac.3.36 gts they are not having possession and others are in possession who purchased through simple sale deeds for that extent kept pending not proposing to anybody. As per Enjoyment Survey the Compensation will be paid as early as possible for an extent of Ac.7.11 gts to the writ petitioners.

This is for kind information.”

Having regard to the stand of respondents, this Court is satisfied that the writ petition can be ordered as follows:

The respondents are directed to pay compensation payable to the extent of Ac.7-11 gts. to petitioners within four weeks from today. As regards Ac.3-36 gts. for which an objection is noted from the field inspection report, respondents 3 and 4 are directed to put the petitioners on notice of these objections, receive reply, enquire into the matter and pass further orders as are necessary for

payment of compensation for acquiring Ac.3-36 gts. as well or if circumstances warrant, refer the matter for decision to the competent authority.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S. V. BHATT, J

Date:04.11.2016
Note:
C.C. in three days.
B/o.
Sp



THE HON'BLE SRI JUSTICE S.V.BHATT

