

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE TWENTY SECOND DAY OF SEPTEMBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 17891 OF 2016

Between:

Kovvasu Ganga & Ors. ... Petitioners

V/s.

The State of Andhra Pradesh
Rep. by its Prl. Secretary
Revenue Department,
Secretariat, Hyderabad & Ors. Respondents



Counsel for the Petitioners: Sri N. Sri Hari

Counsel for the Respondents: GP for Revenue [AP]
Sri J. Satyaprasad
GP for Land Acquisition [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 17891 OF 2016

ORDER :

This writ petition is filed by the petitioners seeking mandamus to declare the action of the respondents 1 to 6 herein particularly the fourth respondent in not passing any orders on petitioners objection vide representation dated 16/4/2016 with regard to the acquisition proceedings in respect of agricultural lands covered by survey Nos. 25/3 [Ac:0-61 cents], 27/2 [Ac:0-99 cents], 28/4 [Ac:2-69 cents], 32/2 [Ac: 2-45 cents], 40/1 [Ac:0-78 cents], 40/2 [Ac:0-93 cents], 41/1 [Ac:5-50 cents], 41/2 [Ac:1-85 cents], 42 [Ac: 1-14 cents], 50 [Ac:5-41 cents], 51/1 [Ac: 1-66 cents] and 51/2 [Ac:4-47 cents, totalling an extent of Acs:28-48 cents] of Singannapalli village of Polvaram Mandal, West Godavari district and in making arrangements to pay the compensation to the respondents 7 to 10 herein as illegal, arbitrary, unjust, against the principles of natural justice and against the provisions of the Land Acquisition Act and consequently to direct the respondents to conduct proper enquiry to the right, title and ownership of

the above said lands in the interest of justice and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Sri Ramachandra Murthy, the-then Special Deputy Tahsildar has filed an affidavit whereby he stated that the first petitioner and others herein submitted a petition on 16.4.2016 stating that they are residents of Singanapalli Village of Polavaram Mandal of West Godavri District. But they did not produce any documentary evidence in support of their objections. Accordingly, he issued notice to the 1st petitioner and others and requested to attend before the Special Deputy Collector (LA), RMC Unit-I, Kovvur by 12-00 noon on 11.5.2016 with relevant records in support of their cause. An urgent notice was also sent to the 1st petitioner through Village Revenue Officer, who endorsed on the said notice that the 1st petitioner is not residing in Singanapalli Village for the last twenty years and also certified that she does not have any lands in Singanapalli Revenue area. Hence, notice could not be served on the first petitioner.

3. Further stated that he personally conducted enquiry on 17.5.2016 in Singanapalli village of Polavaram Mandal along with Deputy Inspector of Survey. At the time of enquiry the Village Revenue Officer, Singanapalli, Sankuru Babu Rao, s/o Jogireddi, Jarepalli Subbarao s/o Veeraswamy, Choda Chinna Ganga Devvi w/o Suryarao, Jarepalli Venkateswara Rao s/o Rama Rao, Soyam Butchanna s/o Tammanna Dora, all persons belonging to ST Koya community, attended the enquiry and stated unanimously that the first petitioner – Smt. Kovvasu Ganga, never resided in Singanapalli village, nor possess any agricultural lands and never cultivated any lands. Intimating the same, an endorsement was also issued to the petitioners known address. The 5th respondent – Revenue Divisional Officer, Jangareddigudem, who is the competent authority to issue Settlement Orders/Ryotwari Pattas, filed counter affidavit, stated at paragraph No.3 that *“the petitioner Kovvasu Ganga w/o Dulam Prasad Babu, S.Srinu s/o (late) Babu Rao, S.Kantha Mani w/o Babji, K.Lakshmi, w/o Venkata Ramana and P.Mallamma w/o Rambabu*

never cultivated the above said petition scheduled land. The name of the first petitioner and the names of the mother of the second to 5th petitioners never recorded as either pattadar or enjoyers against the petition scheduled land and they were never in possession. As seen from the records, it was found that Sri Kovvasu Chellabbayi Dora (late) Kovvasu Sri Ramulu (late) cultivated the petition scheduled lands up to their demise. After the demise, their legal heirs are cultivating the lands and are in possession in the petition scheduled land.”

4. In the counter-affidavit he further stated that during his tenure as Special Deputy Collector, he passed eighteen awards. In the affidavit, he has given the particulars and in one of the awards mentioned in the affidavit, payments were made within one day. Even in respect of the writ petition subject land, award was passed on 27.5.2016, the compensation was disbursed after following the due procedure i.e., bills were presented to the Pay and Accounts Officer on 18.06.2016 and payment was made on 6.7.2016 by the

Accounts Officer, Eluru. The relevant papers are filed along with the material papers. Eventually, he stated that during his tenure as Special Deputy Collector, though he passed eighteen awards, compensation was disbursed in respect of five awards within a period of one week to the end of his tenure up to 21.7.2016 on various dates.

5. The learned Government Pleader for the official respondents submits that the claim of the petitioners that their representations dated 19.2.2016, 15.3.2016 and 16.4.2016 were not considered by the 4th respondent and award was passed even without notice to the writ petitioners, is contrary to the record.

6. From the affidavit filed by the-then Special Deputy Collector (Land Acquisition), the contents of which were noted above, it could be seen that he has conducted personal enquiry into the claim of the writ petitioners. A perusal of the affidavit and the material supported therewith, I have no hesitation to hold that the deponent is a

competent officer, who has taken due care in conducting enquiry and followed the law established, before passing the award. As noted above, he has conducted personal enquiry, therefore, for all his uprightness, I record my appreciation.

7. Pursuant to last order dated 15/9/2016, Smt. D. Pushpa Mani, Special Deputy Collector [Land Acquisition] [FAC], Polavaram Irrigation Project, Unit-I, Kovvur, West Godavari district appeared in-person before this Court and filed an affidavit as to why she made wrong statement before this Court. Pursuant thereto, the respondent No.4 at the relevant time was called, he appeared in Court by spending Rs.6000/- on hiring a private car, arranged accommodation for stay and paid an amount of Rs.1500/- in addition to that he spent Rs.2000/- for food etc., while stay in Hyderabad.

8. Keeping in view, the statement made in the affidavit filed by the respondent No.4, I hereby accept the same. However, the said respondent is directed to pay an amount of Rs.10,000/- to Sri Ramachandra Murthy, the-then Special Deputy Collector, [Land

Acquisition], Kovvur, West Godavari district, now working as P.A. to Special Collector [Land Acquisition] [Special Grade Deputy Collector], Polavaram Irrigation Project, Rajamahendravaram, within two weeks from today. In view of the above discussion, the appearance of respondent No.4 is dispensed with.

9. The grievance of the petitioners is that the respondents passed award and paid compensation to the respondents 7 and 8 without taking into consideration their objection/representation dated 16/4/2016, which is falsified by the counter-affidavit noted above.

10. In view of the above discussion and the counter-affidavit filed by Sri Ramachandra Murthy, the-then Special Deputy Collector, [Land Acquisition], Polavaram Irrigation Project, Kovvur, West Godavari district, I find no merit in this writ petition and the same is accordingly dismissed. No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

22/09/2016
I s L



HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 17891 OF 2016



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