

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

W.P. No. 28544 of 2016

DATE: 26.08.2016

Between:

Smt. U. Suvarnamma

.. Petitioner

And

The Government of Andhra Pradesh
and another

.. Respondents



ORDER:-

This writ petition is filed for the following substantive relief:

“..to issue a Writ of Mandamus declaring the action of the 2nd respondent in not paying compensation to the petitioner for her land acquired in Sy.No.30/3 in an extent of Ac.2.26 cents situated in Pasupula village, Kurnool Mandal and District under Section 28-A of the Land Acquisition Act, 1894 (for brevity “the Act”) in pursuance of the Award dated 28.03.2001 passed in O.P.No. 1 of 1998 and batch on the file of the Court of the Principal Senior Civil Judge, even though the judgment was confirmed by this Court as well as the Apex Court way back in 2009, as illegal and arbitrary and consequently direct the 2nd respondent to pay compensation along with statutory benefits.”

The brief facts of the case are that in pursuance of the issuance of the Notification under Section 4(1) of the Act, the petitioner's land in an extent of Ac.2.26 cents was acquired for the purpose of construction of Post Graduation Centre of Sri Krishna Devaraya University at Kurnool along with other lands in a total extent of Ac.87.96 cents. Subsequently, the 2nd respondent, after conducting enquiry, passed Award No.10 of 1995 on 20.12.1995 in respect of the entire land fixing the market value of Rs.15,000/- per acre for the lands situated in B.Thandrapadu village and Rs.16,000/- per acre for the lands situated in Pasupula village. Since there was a dispute regarding title of the acquired land, the petitioner filed a petition under Section 18 of the Act before the Land

Acquisition Officer seeking to refer the matter to Civil Court, however, it was not referred, but the Land Acquisition Officer referred the matters of the other claimants of the Award to the Civil Court under Section 31(2) of the Act. The learned Principal Senior Civil Judge, Kurnool, by judgment and decree dated 28.03.2001, while disposing of O.P.Nos. 1 of 1998 and batch, enhanced the market value from Rs.15,000/- to Rs.90,000/- for the lands situated in B. Thandrapadu village and from Rs.16,000/- to Rs.1,00,000/- per acre for the lands situated in Pasupula village. In pursuance of this judgment, the petitioner made a representation dated 07.06.2001 under Section 28-A of the Act requesting the 2nd respondent – Revenue Divisional Officer to re-determine the compensation payable to her.

Now, the main grievance of the writ petitioner is that even though she made a representation dated 07.06.2001, the 2nd respondent has neither considered her representation nor re-determined her compensation.

The learned counsel for the petitioner has submitted that the total extent of lands acquired is Ac.87.96 cents from eight to ten claimants including the petitioner. He has further submitted that the 2nd respondent – Revenue Divisional Officer, challenging the judgment and decree dated 28.03.2001 in O.P.Nos.1 of 1998 and batch, filed appeals and

the same were dismissed by this Court vide judgment dated 18.03.2003. Being aggrieved by the same, the 2nd respondent filed Civil Appeal Nos.8984-8985 of 2003 before the Supreme Court and the same were also dismissed vide order dated 13.01.2009. The learned counsel has further submitted that subsequently, the compensation enhanced by the learned Principal Senior Civil Judge, has already been paid to all other claimants, however the petitioner's compensation has not been paid in spite of the fact that she made representation dated 07.06.2001.

The learned Government Pleader for Land Acquisition has submitted that the 2nd respondent shall consider the representation made by the petitioner and take decision thereon within the time that may be stipulated by this Court.

Keeping in view the averments made in the writ affidavit and the submission of the learned counsel for both the parties, this Court is inclined to dispose of the writ petition by directing the 2nd respondent – Revenue Divisional Officer-cum-Land Acquisition Officer to consider the representation dated 07.06.2001 said to have been made by the petitioner and pass appropriate orders thereon, in accordance with law, within a period of five weeks from the date of receipt of a copy of this order and communicate decision that may be taken to the petitioner within a period

of one week thereafter. It is made clear that if the petitioner is still aggrieved with action or inaction of the 2nd respondent, the petitioner is at liberty to approach the appropriate forum.

With the above direction, this writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

26.08.2016

bcj

