

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.506 of 2013

ORDER:

Heard Mr. K. Jyothi Prasad for petitioner and learned Government Pleader (Land Acquisition).

2. Petitioner prays for the following relief:

"..to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 herein particularly the first respondent in not passing any orders on the objections filed by her vide legal notice dated 17-01-2012 with regard to payment of compensation for the acquisition of her land in an extent of Ac.2-50 cents in R.S.No.173/2 of Busarajupalli village, Buttaigudem Mandal, West Godavari District for the purpose of Chinthalapudi Lift Irrigation Scheme and in making arrangements to pay the compensation to the respondents 3 to 10 herein as illegal, arbitrary, unjust, against the principles of Natural Justice and against the provisions of the Land Acquisition Act and to consequently direct the respondents to pay compensation for the above said land to the petitioner being the sole legal heir of her father /original owner late Pyda Jogaiah in the interest of justice ..."

3. On 04.01.2013, the following interim order was passed:

"Learned Government Pleader for Land Acquisition takes notice for respondent Nos.1 and 4.

Notice to respondent Nos.3 to 10 only.

Personal service is permitted.

Post on 25.02.2013.

Pending further orders, respondent Nos.1 and 2 shall not disburse compensation to respondent Nos.3 to 10 in respect of land to the extent of Ac.2.50 cents in R.S.No.173/2 of

Busarajupalli Village, Buttaigudem Mandal, West Godavari District, if the same has not already been disbursed by now.”

4. Respondent No.1 filed counter affidavit and annexed notification, draft declaration and draft award dated 12.12.2011. In para 6 of the counter affidavit, on the assertion of petitioner and respondents 3 to 10, the reply reads thus:

“6. Thereafter, the 1st Respondent submitted P.V proposals to the Spl. Collector, ISP, Rajahmundry on 14-11-2011 and accordingly, the P.V for the acquired lands was fixed by the Spl. Collector, ISP, Rajahmundry on 16-11-2011 for Rs.2,00,000/- per acre. Thereafter, the DLNC was also negotiated by the District Collector, W.G, Eluru on 18-1-2011 by fixing the value of the acquired lands @ Rs.3,40,000/- p.a. Accordingly, Draft Award was approved by the Spl. Collector, ISP, Rajahmundry after observing all due course of process and payments were made to the land owners except the land in question in R.S.No.173/B measuring Ac.2.52 either to respondents 3 to 10 or the petitioner as nobody proved the title over the land and the payment is not made to anybody. It does not disclose any valid or substantial grounds warranting interference of this Hon'ble Court under Article 226 of the Constitution of India. Hence, the contention of the petitioner deserves no consideration.”

5. From the reply of first respondent, it is clear that compensation is not paid either to petitioner or respondents 3 to 10. Likewise, the legal notice dated 17.01.2012 is also not considered and appropriate decision, as the circumstances warrant, is not taken and communicated to parties.

6. Having regard to the limited grievance of petitioner viz. inaction in disposing of notice dated 17.01.2012, the Court is not proposing to

examine the assertions of petitioner and respondents 3 to 10.

The writ petition is disposed of by this order:

The interim order dated 04.01.2013 is made as final order in the writ petition and further, the first respondent is directed to pass orders on legal notice dated 17.01.2012 and communicate to petitioner as well as respondents 3 to 10. The said exercise shall positively be completed within eight (8) weeks from the date of receipt of copy of this order. The first respondent, if after taking a decision, is constrained to refer the matter to civil Court, the reference is also made within the time stipulated by this Court. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

November 10, 2016
DSK



S. V. BHATT, J