

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10099 of 2009

ORDER:

Heard Mr. P.VS.S.S. Rama Rao, learned counsel for petitioner and learned Government Pleaders for Land Acquisition, Irrigation and Endowments.

2. The petitioner prays for the following relief:

“...Writ of Mandamus by declaring the action of the respondents 1 to 4 in interfering in to the lands of sixth respondent temple over an extent of Ac.974.47 cents in T.D.No.1076 of Kethavaram Village, Bellamkonda Mandal, Guntur District without resorting to the provisions of the Land Acquisition Act as illegal, arbitrary and against the directions dated 11.04.2008 passed by this Hon'ble Court in W.P.M.P.No.24219 of 2007 and batch in W.P.No.10547 of 2006 and consequentially direct the respondents 1 to 4 acquire the entire extent of Ac.8133.54 cents of the lands of the sixth respondent by paying compensation to the sixth respondent along as per respondent by paying compensation to the sixth respondent alone as per the provisions of the Land Acquisition Act ...”

3. The first respondent through the Principal Secretary, Irrigation and Command Area Development (PW) Department filed affidavit and also a petition to vacate the interim order dated 13.05.2009.

4. Having regard to the assurance of the first respondent to acquire the lands of the sixth respondent institution in accordance with law, the averments in the writ affidavit and the objections raised in the counter affidavit of parties are not adverted to. The relevant portion of the counter affidavit of the first respondent reads as follows:

“1. I am the Principal Secretary to Government, Irrigation and Command Area Development (Project Wing) Department, and as such I am well acquainted with the facts of the case.

2. I respectfully submit that in a meeting held on 24-09-2009 in the Chambers of the Honourable Chief Minister, the Government decided to pay the entire compensation for land belonging to Sri Laxmi Narasimha Swamy Temple to the temple itself. The acquisition would be undertaken as per the provisions of

the Land Acquisition Act for acquiring the land needed for Pulichintala Project. No part of the compensation of the temple land would be paid to the occupier/encroacher/tenant.”

Having regard to the assurance that the lands of the sixth respondent institution will be claimed after initiating land acquisition proceedings and payment of compensation to the institution, the stand of the first respondent is placed on record and the writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 1, 2016
DSK