

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.512 OF 2009

ORDER

This writ petition was filed challenging the action of respondent Nos.1 and 2 in passing the Award without notice to the petitioners under Sections 9 & 12 of the Land Acquisition Act, in respect of the land to an extent of Ac.1.28 guntas in Sy.No.148, Surampet Village, Kodmiyal Mandal, Karimnagar District.

This Court by order dated 21.1.2009 granted interim direction with regard to payment of compensation pending disposal of the writ petition.

A counter-affidavit is filed stating that an extent of 17.39 acres in Sy.Nos.148, 150, 151, 155, 156 and 157 situated at Surampet Village of Kodimial Mandal, was acquired for the purpose of strengthening Syamala Cheruvu tank bund, which is likely to be submerged under Sripada Sagar Project, Stage-II, Phase-I. As per the revenue records, Busa Mallaiah-3rd respondent is the pattedar of the land to an extent of 1.28 guntas in Sy.No.148 of Surampet Village for more than 12 years. The said extent of Ac. 1-28 guntas was acquired for laying pipeline for Sripada Sagar Project. The 3rd respondent gave consent for acquisition of the land.

The petitioners neither claimed the land in Sy.No.148 nor requested the revenue authorities to get their names mutated in the revenue records. Based on the entries in the revenue records, the land was notified in the name of the 3rd respondent, award was passed on 12.12.2998 and compensation was paid to him on 16.12.2008.

Today, when the matter is taken up for consideration, learned counsel appearing for the petitioner submits that the petitioner has expired.

In view of payment of compensation even before the interim order passed by this Court on 21.1.2009, this Court sees no ground to keep the writ petition pending. However, as the 3rd respondent gave consent for passing the award, and the revenue records did not reflect the names of the petitioners, the latter are at liberty to question the same before appropriate forum.

In the circumstances, the Writ Petition is dismissed, leaving it open to the petitioners to agitate their rights, if any, for claiming compensation in respect of the land from the 3rd respondent, if they are so advised. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

19th October, 2015

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