

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

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WRIT PETITION No.40682 of 2015

BETWEEN

Pikili Laxmaiah and others.

... PETITIONERS

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Land Acquisition Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 18.01.2016

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader (Land Acquisition).

2. Petitioners claim to be assignees of an extent of Ac.5.00 cents of land in Sy.No.42/1 situated at Kalanutuvala Village, Pedarevedu Mandal, Prakasam District on the basis of D-Form Patta issued in favour of their father vide Rds/890/Dar/1384 dated 15.07.1994.

The said land got submerged under the Pola Subbaiah Velugonda Project. Petitioners have made a representation dated 29.11.2015 before the second respondent requesting payment of compensation and also objection to the claim made by the fourth respondent for the very same land. Alleging that the ex-gratia/compensation is likely to be paid to the fourth respondent ignoring the representation of the petitioners, the present writ petition is filed.

3. Instructions received by the learned Government Pleader, however, show that no ex-gratia/compensation is paid to either to the petitioners or to the fourth respondent and in view of the two rival claims i.e. that of the petitioners and the fourth respondent, having been received for the same extent in the same survey number, the matter is stated to have been referred to the Tahsildar, Peddaraveedu Mandal to confirm and report the genuineness of the assignment and after receipt of the report from the Tahsildar, appropriate decision will be taken to pay the ex-gratia to the genuine assignee.

4. In view of the above, therefore, since enquiry is proposed to be conducted and report of the Tahsildar is awaited, the apprehension of the petitioners that ex-gratia/compensation is paid to the fourth respondent ignoring their representation, referred to above, is clearly without any basis. The second respondent shall, therefore, obtain appropriate report from the

Tahsildar and then give notice to the petitioner as well as the fourth respondent and then take appropriate decision in the matter in accordance with law.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 18, 2016
DSK