

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.36780 of 2012

ORDER:

This Writ Petition was filed by the petitioner claiming to be an absolute owner and possessor of land to an extent of Ac.33.25 cents in survey No.517 of Mulasagaram Village, Nandyal Mandal, Kurnool District. When the Government proposed to acquire an extent of Ac.5-10 cents in survey No.517/2A for the purpose of road widening, the 4th respondent and another filed W.P.No.6708 of 2008 challenging dispensing with the enquiry by the Government and when the said Writ Petition was pending, the said land was deleted from acquisition. The 4th respondent thereafter, executed a Gift Settlement Deed on 29.08.2012 to an extent of Ac.0.68.18 cents in survey No.517/2A of Mulasagaram Village in favour of the 3rd respondent herein. The said Gift Settlement Deed was accepted by the Government and when the respondents 1 to 3 were proposing to lay the road, the present Writ Petition was filed by the petitioner staking claim over the same property.

2. This Court by an order, dated 29.11.2012, granted interim injunction and posted this case along with W.P No.6708 of 2008 and W.P No.4367 of 2011. W.P.No.6708 of 2008 was dismissed on 12.02.2013.

3. Respondents filed counter-affidavit stating that the entire by-pass road was completed, but by virtue of interim orders granted by this Court a small stretch was not completed. In W.P.No.4367 of 2011, this Court passed order directing the respondents not to lay the road without acquiring the land under the Land Acquisition Act. The petitioner did not challenge the Gift Settlement Deed executed by the 4th respondent. However, it is stated that they submitted modified requisition on 19.10.2012 to the Revenue Divisional Officer, Nandyal for acquisition of the land to an extent of Ac.1.7018 cents in survey No.517/2A including the land to an extent of Ac.0.6818 cents situated at Mulasagaram Village covered by Gift Settlement Deed for completion of that particular stretch of road from Km 0/013 to 0/313 about 300 mts of the by-pass road for use of public and same was pending since long time. An amount of Rs.22,85,212/- was available with the Revenue Divisional Officer, Nandyal for acquisition.

4. It is clear from the above averments that the petitioner suffered a decree for injunction in O.S.Nos.603, 661 and 662 of 2001 and the learned counsel for the petitioner submits that the appeals are pending before the competent Court.

5. Be that as it may, the 4th respondent executed a Gift Settlement Deed by surrendering the land in favour of the 3rd respondent, but the petitioner is laying a claim over the same extent of land. In the circumstances, this Writ Petition is disposed of giving liberty to the petitioner to file objections with the Revenue Divisional Officer with regard to his claim and if the Revenue Divisional Officer satisfies, he can deposit the amount lying with him before the competent Civil Court, under Section 30 of the Land Acquisition Act, 1894, which shall decide the claim over the amount, but this will not prevent respondents 1 to 3 from going ahead with execution of the road work, for which a Gift Settlement Deed was already executed. No costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

FEBRUARY 23, 2016
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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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Date: 23.02.2016

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