

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

WEDNESDAY, THE THIRD DAY OF JUNE,
TWO THOUSAND AND FIFTEEN

:PRESENT:
THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO: 14109 of 2015

Between:

Pentapati Pulla Rao, S/o. Late Rama Rao,
Occ: agriculture, R/o. Gokavaram Village,
Gokavaram Mandal, East Godavari District.

..... Petitioner

AND

- 1 The State of Andhra Pradesh, Rep by its Principal Secretary, Land Acquisition, Secretariat, Hyderabad.
- 2 The Special Collector (LA), Indirasagar Project (Polavaram), Rajahmundry, East Godavari District.
- 3 The Land Acquisition Officer-cum- Special Deputy Collector (LA), Indira Sagar Project, Polavaram, Kovvuru, West Godavari District.
- 4 Pentapati Tirupathi Rao, S/o. Late Rama Rao, aged about 75 years, Occ. agriculture, R/o. 79-21-10, Symala Nagar, Rajahmundry, East Godavari District - 533 101.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 3 in deciding to pay the entire compensation in favour of 4th respondent for the acquired land of Ac.4.38 cents in RS No. 114/3 and Ac.2.48 cents in RS No.118/4 of Thuntigunta Revenue Village in Polavaram Mandal of West Godavari District pursuant to the Notification issued under Section 4 (1) of Land Acquisition Act, 1894 in Ref B1/189/12 dt. 07.1.2013 and Declaration issued under Section 6 thereof in proceedings Ref B2/189/13 dt. 28.1.2014 issued by the respondents 2 and 3 inspite of the petitioner being absolute owner to an extent of half thereof and the petitioner's name having been notified in both the said notifications to that effect, as illegal, irregular, irrational, violative of Principles of Natual Justice and provisions of the Land Acquisition Act, 1894 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents 1 to 3 to pay compensation half each in favour of the 4th respondent and petitioner for the aforesaid acquired land.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Naram Nageswara Rao, Advocate for the Petitioner and GP for Land Acquisition (AP) for respondent Nos.1 to 3, the Court made the following

ORDER:

Prima facie, it appears from the notification that the names of the petitioner and respondent No.4 are reflected against the property acquired. Petitioner filed a representation on 27.01.2015 requesting for his share of compensation and not to pay the entire compensation to respondent No.4. It is not known whether any award is passed or any orders are passed on the said representation.

GP (LA) to get instructions on behalf of respondents 2 and 3.

Contd...2/P

Personal service to R4 permitted.

Pending further orders, the third respondent shall not disburse the compensation amount either to the petitioner or to the fourth respondent for a period of four (4) weeks.

List after two (2) weeks.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Land Acquisition, State of Andhra Pradesh, Secretariat, Hyderabad.
- 2 The Special Collector (LA), Indirasagar Project (Polavaram), Rajahmundry, East Godavari District.
- 3 The Land Acquisition Officer-cum- Special Deputy Collector (LA), Indira Sagar Project, Polavaram, Kovvuru, West Godavari District.
- 4 Pentapati Tirupathi Rao, S/o. Late Rama Rao, R/o. 79-21-10, Symala Nagar, Rajahmundry, East Godavari District - 533 101.
(Addressees 1 to 4 BY RPAD)
- 5 One CC to Sri Naram Nageswara Rao, Advocate (OPUC)
- 6 Two CCs to the G.P. for Land Acquisition (AP), High Court, Hyderabad.
(OUT)
- 7 One spare copy.

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HIGH COURT

VVA,J

DATED: 03-6-2015

NOTE: List after two weeks

ORDER

W.P.NO. 14109 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 05-06-2015

VVA,J

DATED: 03-6-2015

NOTE: List after two weeks

ORDER

W.P.NO. 14109 OF 2015

DIRECTION