

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 9387 of 2012

Order:

The petitioner states that her husband D. Nazeer Ahmed Khan was assigned an extent of Ac.5-00 in Survey No.366/2 of Thollaganganapalli village of Vallur Mandal, Kadapa district under DKT Patta No.136/1476 dated 28.02.1967. It is her case that the said patta was issued after following due procedure. The said land was mortgaged with Kadapa District Cooperative Central Bank Limited, R.K. Nagar Branch, Kadapa and after payment of the amount a clearance certificate was also issued by the bank on 03.11.2008. the Government wanted to acquire the said land for the purpose of developing a mega industrial park by APIIC and the petitioner submitted a representation to the respondents 2 and 3 on 10.03.2008 and 31.03.2008 requesting for payment of compensation. When no compensation was paid, the present Writ Petition was filed.

A counter affidavit is filed by the third respondent stating that as per the requisition made by the Zonal Manager of APIIC, Kadapa an extent of 34.93 Acres of patta lands, 73.82 Acres of Government land and 103.76 Acres of DKT lands totalling to an extent of 212.51 Acres were acquired and handed over to the Zonal Manager, APIIC, Kadapa during the year 2008. It is further stated that the connected DKT file and DKT register were not available in the office. The Adangals do not contain the name of the husband of the petitioner. No pattadar passbook and title deeds were issued in the name of her husband. In those circumstances, it was construed that she has no right or title to the land. The Adangals contained the name of one Vadla Venkata Veerachari in the column of pattadar and enjoyer for the above land and it was assigned to him vide

DKT No.631/91 dated 06.02.1952. The pattadar passbooks and title deeds were issued to him, but he has not filed any claim for compensation. The petitioner kept quiet for all these years and filed the present Writ Petition after long lapse of time. It is also stated that two fire accidents occurred in the office of the Tahsildar, Vallur where the records were burnt.

In the light of the above averments, this Court verified the documents filed along with the Writ Petition and noticed that the Xerox copy of the patta filed shows that an extent of Ac.5-00 in Survey No.366/2 of Thollaganganapalli village, Vallur Mandal, Kadapa district was assigned in favour of the husband of the petitioner under DKT No.136/76 dated 28.02.1967. A perusal of the said Xerox copy did not create any suspicion. This is supported by a mortgage deed executed by the husband of the petitioner in favour of Kadapa Cooperative Land Mortgage Bank Limited, Kadapa. The said bank also issued a clearance certificate on 03.11.2008 stating that the loan was cleared on 08.11.2007. It cannot be said that the mortgage deed which was executed on 20.03.1970 and the clearance certificate dated 03.11.2008 are created documents for the purpose of present case. The extent of land involved in Survey No.366/2 is not known. It is clear from the counter affidavit filed by the respondents that the said Vadla Venkata Veerachari in whose name a patta was issued on 06.02.1952 did not claim any compensation. Admittedly, the land is a Government land and assigned to the husband of the petitioner.

In the circumstances, the respondents 2 and 3 are directed to pay appropriate compensation for the land of an extent of Ac.5-00 situated in

Survey No.366/2 of Thollaganganapalli village of Vallur Mandal, Kadapa district which was earlier assigned in favour of the husband of the petitioner and taken over for the purpose of establishment of mega industrial development park by APIIC, Kadapa within a period of three months from the date of receipt of a copy of this order as per the rules relating to the payment of compensation for the assigned lands.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 14.12.2016
Nsr

A. RAMALINGESWARA RAO, J

