

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.32056 AND 32580 OF 2016

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

The case of the petitioners is that the Government assigned the subject lands in the writ petitions to them and they were also given pattadar pass books and title deeds and they are eking out their livelihood by cultivating the land. For the purpose of expansion of Airport at Tuirupati, the 4th respondent – Tahsildar issued notice dated 30.10.2010 to resume the assigned land and to pay ex gratia as per G.O.Ms.No.1307 Revenue (Assign-I) Department dated 23.12.1993. The further case of the petitioners is that if the subject land is compulsorily required, the same may be acquired by paying compensation as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013'). The respondents have fixed the market value of the land adjacent to the subject land in the writ petitions at the rate of Rs.12,50,000/- per acre. The petitioners have filed representation dated 23.2.2015 claiming compensation. Aggrieved by the inaction of the respondents in considering the representation of the petitioners, the present writ petitions have been filed.

The learned counsel appearing for the writ petitioners submits that the subject land has been resumed and though the Government issued notice dated 30.10.2010 proposing to pay ex-gratia as per G.O.Ms.No.1307 dated 23.12.1993, no compensation has been paid. The Government issued G.O.Ms.No.259 Revenue (Assn.I) Department dated 21.06.2016 superseding earlier G.O.Ms.No.1307 dated 23.12.1993, for payment of

compensation for the resumed assigned lands on par with patta lands under Act 30 of 2013. To the adjacent land of the writ petitioners, the Government fixed the compensation at Rs.12,50,000/- per acre. He stated that the Government has to pay compensation under Act 30 of 2013, on par with adjacent land owners. He further stated that the Larger Bench of this court in LAO – CUM – RDO, CHEVELLA DIVISION, DOMALGUDA, HYD. V. M.PANDU¹ held that if the assigned lands are required for any public purpose, the same can be acquired under the provisions of the Land Acquisition Act and compensation has to be paid on par with patta lands. As the respondents have not considered the representation of the petitioners for payment of compensation, seeks to direct the respondents to consider the representation and pass orders.

Heard the learned Assistant Government Pleader for Revenue.

Having regard to the facts and circumstances and the submissions of the learned counsel, without expressing any opinion on merits, the writ petitions are disposed of at the stage of admission, directing the 2nd respondent – District Collector, Chittoor to consider the representation dated 23.2.2015 said to have been made by the writ petitions claiming compensation, in terms of G.O.Ms.No.259 dated 21.6.2016 and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

27—09—2016

¹ 2004(2) ALD 451 (LB)