

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36621 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India has been preferred by the petitioners seeking to declare the inaction of the 1st respondent in considering the representation made by the petitioners on 16.05.2016 for payment of compensation in respect of property in survey No.8/3B1 admeasuring Ac.0.53 cents and survey No.8/1C1 admeasuring Ac.0.24 cents covered by Patta No.39 of Dondaparthi Village, Visakhapatnam, which was acquired for construction of 'Rajiv Gruha Kalpa Housing' for weaker sections, as illegal and arbitrary.

Heard the learned counsel for the petitioners, the learned Assistant Government Pleader for Revenue for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

The main contention urged by the learned counsel for the petitioners is that in view of the order passed by this Court in W.P.Nos.13171 and 13288 of 2005, present writ petition has been filed seeking compensation.

Learned AGP opposes the same.

As seen from the common order dated 01.07.2014 passed by this Court in W.P.Nos.13171 and 13288 of 2005, the petitioners were given liberty to establish their title in a competent Court of Law and claim compensation from concerned authorities if they are entitled to. Thus, it is clear that the petitioners have to first

establish their title and then claim compensation. Without approaching the Civil Court, as directed by this Court in W.P.Nos.13171 and 13288 of 2005, the petitioners have filed the present representation before the 1st respondent seeking compensation. Hence, I see no merits in the Writ Petition and the same is liable to be dismissed. It is needless to mention that the petitioners are always at liberty to avail appropriate remedies to establish their title and then claim compensation as per law.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

Date: 27.10.2016
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C. PRAVEEN KUMAR, J

