

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 21582 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed with the following prayer:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus questioning the action of the respondents without paying the compensation as well as without allotting alternative land to the petitioner, taken the petitioner’s land to an extent of Ac.0.40 cents in Sy.No.298 situated at Tharunavai village, Sangam Mandal, SPSR Nellore District as illegal and arbitrary.”

4. The averments made in the affidavit filed in support of the writ petition, would show that petitioner claims to be an absolute owner of land admeasuring Ac.0.40 cents, in Sy.No.298 and is in peaceful possession and enjoyment of the said land. It is the case of the petitioner that in the year 2006, the respondents proposed to construct Zillaparishad School in Sy.No.298 and requested the petitioner to handover the land for the purpose of establishing a school. The revenue authorities gave an undertaking that the petitioner will be allotted alternative land to an extent of Ac.0.50 cents in Sy.No.339 of the same village and also to pay the compensation. Believing the undertaking given by the authorities, petitioner accepted the request of the 4th respondent and handed over the land for construction of a Zilla Parishad School.

5. It is further stated that possession of land was taken in the year 2006, but till date, neither any compensation is paid nor an alternative land is allotted to the petitioner as promised. It is also stated that on 25.01.2016 petitioner made an application to the District Collector, SPSR Nellore, Nellore District, seeking payment of compensation or allotment of alternative land, which is pending consideration.

6. Though various grounds are urged, learned counsel for the petitioner seeks a direction to the District Collector, to consider the representation submitted by the petitioner in accordance with law.

7. Learned Assistant Government Pleader would submit that she has no objection for the same provided the representation is still pending.

8. Having regard to the above, the Writ Petition is disposed of directing the District Collector-2nd respondent to dispose of the representation submitted by the petitioner on 25.01.2016, if it is still pending, in accordance with law, after hearing the petitioner and aggrieved persons, if any, as early as possible, preferably within a period of four to six weeks, from the date of receipt of copy of this order.

9. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

22.12.2016,
Rds