

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No. 29927 of 2016

ORDER:

Challenging the action of the respondents in paying inadequate compensation for his lands admeasuring Ac.3-64 cents in Survey No.119/2A and Ac.0-08 cents in Survey No.132/1 (admeasuring a total of Ac.3-72 cents), of Madhurapudi village, Korukonda mandal, East Godavari District, the petitioner filed this writ petition.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Land Acquisition representing the respondents.

3. It is stated in the writ affidavit that the petitioner was the absolute owner of the lands admeasuring Ac.3-64 cents in Survey No.119/2A and Ac.0-08 cents in Survey No.132/1 (admeasuring a total of Ac.3-72 cents), of Madhurapudi village, Korukonda mandal, East Godavari District. The 2nd respondent issued a preliminary notification dated 04.06.2015 for acquisition of land admeasuring Ac.85-10 cents in Madhurapudi village for the purpose of expanding Rajahmundry Airport and in that acquisition the petitioner's land is also there. The 2nd respondent issued a Declaration acquiring the aforesaid lands and deposited an amount of Rs.2,05,96,790/- into the petitioner's Bank Account through NEFT/GOAP Finance/Works Projects Centre, dated 15.12.2015, towards compensation for the lands acquired. On enquiry with the 4th respondent, it was informed that the amount of Rs.2,05,96,790/- represents Rs.1,83,29,184/- towards land value and Rs.2,14,577/- towards value of trees and Rs.20,53,029/- towards value of concrete structures.

4. It is further stated in the writ affidavit that the total land of the petitioner i.e. Ac.3-72 cents, which is equivalent to 18004.8 Square Yards (1 Acre = 4840 Square Yards; 1 Cent = 48.40 Square yards) has been acquired by the aforesaid notification, and calculating the value of the said land at Rs.1500/- per Square Yard (as per the market value by the Registration & Stamps Department of the Government of Andhra Pradesh), the total market value of his land comes to Rs.2,70,07,500/- (as certified by Sub-Registrar, Pidimgoyya, East Godavari District, vide Market Value Assistance Document, dated 21.08.2015) whereas the 2nd respondent has under-assessed the value of the land and paid only Rs.2,05,96,790/- which is grossly inadequate. It is also his grievance that the respondents have not paid Solatium to him which should be at the rate of 100% of the compensation amount.

5. Vide the present petition, petitioner seeks direction thereby directing the respondents not to take over his lands before releasing his entire dues totalling to Rs.3,79,53,422/-, (which represents Rs.86,78,316/- + Solatium Rs.2,92,75,106/-).

6. Learned Government Pleader submits that the petitioner ought to have filed a petition under Section 64 of the Act 30 of 2013 instead of filing the present writ petition.

7. In view of the above facts recorded above and the grievance of the petitioner that he is not paid adequate compensation, I deem it appropriate to dispose of the present petition by granting liberty to the petitioner to file petition under Section 64 of the Act 30 of 2013 before the 2nd respondent-

District Collector. On receipt of the petition, the 2nd respondent is directed to refer the same to the Authority under Section 51 of the Act 30 of 2013.

8. The writ petition is accordingly disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

22nd September, 2016

SURESH KUMAR KAIT, J

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