

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 37636 of 2012

Order:

It is the case of the petitioners that the lands belonging to them which are situated in Indlasiddaiahpalli village, Kalamalla village fields, Yerraguntla Mandal in different survey numbers were sought to be acquired for the purpose of extension of Rayalaseema Thermal Power Plant Stage-IV by notification dated 20.12.2010. The awards were passed on 25.02.2012 and 29.02.2012. The petitioners state that there were standing sweet orange trees and bore wells and they raised objections with regard to quantum of compensation claiming an amount of Rs.10,00,000/- per acre before the committee constituted for arriving at a reasonable quantum of compensation by consent. However, the committee ignoring the representations of the petitioners fixed low compensation and obtained the signatures of the petitioners on formats and white papers assuring that they would consider for payment of compensation at Rs.10,00,000/- by submitting the proposals to the Government. The petitioners state that they were not present at the time of award proceedings and no notices were served to them. They further state that the notices were served on 31.07.2012 and they came to know about the contents only on 12.08.2012 through their counsel. They further state that they were not enlightened with the provisions of the Land Acquisition Act and were not educated. In those circumstances, they issued a notice through their counsel on 17.08.2012 disputing the consent expressed and filed the present Writ Petition seeking enhancement of compensation as demanded in the notice dated 17.08.2012.

A counter affidavit is filed stating that an extent of 266.30 Acres of patta land was sought to be acquired for construction of RTPP (Stage-IV) and for administrative convenience the land was divided into four reaches and accordingly a notification under Section 4(1) and declaration were issued. The land owners were asked to attend the District Level Negotiations Committee meeting held on 21.09.2011 and after negotiations the District Level Negotiations Committee fixed the land value at Rs.3,35,000/- and the land owners expressed their consent for parting with the land and the rate fixed. They submitted the required affidavits also. Accordingly, consent awards were passed on 18.02.2012 and 29.02.2012 under Award Nos.31, 33 and 34 of 2012-13. The compensation amount was disbursed on 18.03.2012 and 15.05.2012. After receiving the compensation, the petitioners issued a notice on 17.08.2012 seeking reference of their cases for enhancement of compensation.

The petitioners filed a reply affidavit reiterating the stand taken in the affidavit filed in support of the Writ Petition and further stating that no award copy was served on them.

In view of the dispute raised by the petitioners, the record was called for and the record revealed that the petitioners filed their affidavits accepting the compensation and now the counsel for the petitioners submits that the signatures of the petitioners were obtained on the prescribed formats though they have not given consent. The chronology of events discloses that after disbursement of the amount, the petitioners got issued a legal notice through their counsel seeking enhancement of compensation. The petitioners do not dispute the conduct of meeting by the District Level Negotiations Committee and made contradictory

statements in the affidavit with regard to fixation of compensation and receipt of copy of the award. They take shelter on the ground that they were not educated about the provisions of the Land Acquisition Act and nobody educated them with regard to compensation. In view of the payment of awarded amount as fixed by the District Level Negotiations Committee before whom the petitioners have agreed, this Court sees no ground to grant the relief as sought for by the petitioners in the Writ Petition.

The Writ Petition is, accordingly, dismissed. 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: 02.11.2016
Nsr

A. RAMALINGESWARA RAO, J

