

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.3575 of 2011

ORDER:

The petitioner prays for Mandamus declaring the action of the respondents in not paying ex-gratia to him for acquisition of the land in Sy.No.230/2 in an extent of Ac.1-78 cents of Aruru Village, Satyavedu Mandal, Chittoor District, as illegal and unconstitutional.

The petitioner alleges that on 30-11-1975 the 4th respondent assigned petition land in favour of his father A.Rathnam. It is further alleged that the petitioner's father died in the year 1990 leaving behind the petitioner herein as his heir and representative.

The grievance of petitioner is that the respondents have acquired his land for establishing Industrial Park (SEZ) and no compensation is paid to him. Hence, the writ petition.

The respondents filed a petition to vacate the interim order dated 18-02-2011 and in the counter affidavit, it is stated that the father of the petitioner violated the assignment conditions and vide proceedings No.Roc.B/1322/87 dated 13-12-1988, the assignment was cancelled and land was resumed to the Government. The cancellation of assignment was given effect to in revenue records as well. The respondents have recorded

the statement of son of petitioner's father's vendee and therefore, they have proceeded to acquire the land.

I have carefully perused the writ affidavit, the annexures filed by the petitioner and also the counter affidavit of respondents 2 to 4.

The reply of respondents is that the assignment in favour of petitioner's father was cancelled and ex-gratia is not paid to petitioner and no exception can be taken to such procedure.

Mr.T.C.D.Sekhar tries to persuade this court to examine the legality or otherwise of resumption orders said to have been passed by 4th respondent for alleged violation of assignment conditions. Alternatively, he submits that the petitioner may be given liberty to avail the remedy of appeal against the cancellation order dated 13-12-1988 and the 4th respondent may be directed to furnish a copy of cancellation order.

The Assistant Government Pleader states that if the petitioner applies for a copy of cancellation order, dated 13-12-1988, the 4th respondent would furnish the same expeditiously, preferably within four weeks from the date of receipt of such request.

Having regard to the grievance in the writ petition and the reply of respondents, I am not inclined to consider the writ prayer. However, the request of learned counsel for petitioner to

apply to 4th respondent for furnishing a copy of cancellation order dated 13-12-1988 and to avail the remedy of appeal is accepted.

Hence, the writ petition is disposed of as follows:-

The petitioner is given liberty to apply to the 4th respondent for supplying copy of cancellation order dated 13-12-1988 within four weeks from today. If a representation is made, the 4th respondent is directed to furnish a copy within four weeks thereafter. The petitioner, if so advised, can avail the remedy of appeal on the copy so furnished by the 4th respondent.

The parties are directed to maintain status-quo as regards payment of ex-gratia for a period of twelve weeks from today.

Miscellaneous petitions, if any, pending shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 26-09-2016

Prv

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WRIT PETITION No.3575 of 2011

26-09-2016

Prv

