

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.30946 of 2016

ORDER:

Vide the present petition, the petitioners seek a mandamus declaring the inaction of respondent Nos.2 and 3, in paying adequate compensation for acquisition of land admeasuring Ac.1.03 cents in Sy.No.348/5 B2 of Madanapally Village, Madanapally Mandal, Chittoor District, as illegal and arbitrary.

In the writ affidavit, it is stated that the petitioners claim to be owners of land admeasuring Ac.1.03 cents in Sy.No.348/5 B2 of Madanapally Village, Madanapally Mandal, Chittoor District. They inherited the subject land from their mother, Sarojini Devamma, who purchased under a sale deed dated 30.04.1968 for valid sale consideration from her vendors, viz. Sri R.Chandra Sekhar Naidu and Sri Janaki Ram Chowdary. The revenue authorities mutated her name in the revenue records and issued pattadar passbooks and adangals and, ever since, she has been in possession. The said Sarojini Devamma died intestate on 26.09.2002.

The petitioners further state that the subject land has been acquired for excavation of Punganur Irrigation Branch Canal through notification dated 25.02.2013. Respondent No.3, issued notice dated 15.07.2015, under Section 37(2) of the Right to Fair Compensation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), wherein it was stated that the persons, who were directed to appear in the award enquiry, did not appear and, thereby, ignoring the petitioners' representation dated 23.03.2016, depriving them of right to compensation, passed award No.01 of 2015 dated 06.06.2015.

Learned counsel appearing on behalf of the petitioners submits that the suit, in O.S.No.96 of 2009, on the file of Senior Additional District Judge, Madanapally, is pending regarding the share of one Sharada Devi, who also claims to have share in Sy.No.348/5B2. However, no dispute is pending in any Court, *qua* the share of the mother of the petitioners. Since the mother of the petitioners died intestate, the petitioners being legal heirs are entitled to compensation.

Learned counsel appearing on behalf of the petitioners further submits that the petitioners made representation dated 28.03.2016 to respondent No.3 (Special Joint Collector (Land Acquisition Officer), Competent Authority, Madanapally, Chittoor District). However, till date, no response has been received from the said respondent.

I note that, Form-3 notice was issued by respondent No.3, under Section 5-A of the Land Acquisition Act 1 of

1894 as amended the Land Acquisition Amendment Act XXXVIII of 1923, wherein as against the column 'reputed owner' the name of the petitioners mother viz. R.Sarojini Devamma, was mentioned, a copy of which is annexed as Ex.P.1.

Notice dated 15.07.2015, issued by respondent No.3, establishes that under the column 'fixed to whose name', the name of the petitioners mother viz. R.Sarojini Devamma was mentioned, as is enclosed at page No.14.

Moreover, sale deed dated 30.04.1968 is filed at page No.25 of the material papers. 10(1) adangal, enclosed at page No.28, discloses that, as against the column 'pattadar – pattadar names', the name of the petitioners mother, viz. Ramineni Sarojini Devamma, was mentioned.

Keeping in view the averments made in the petition, and the submission of the learned counsel for the petitioners, I hereby direct respondent No.3 (Special Joint Collector (Land Acquisition Officer), Competent Authority, Madanapally, Chittoor District) to decide the petitioners' representation dated 28.03.2016 within a period of four weeks from the date of receipt of a copy of this order. The decision taken shall be communicated to the petitioners within one week thereafter.

In view of the above direction, the Writ Petition is disposed of.

Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

Dt:14.09.2016
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