

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40950 OF 2016

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 3rd respondent in not registering the land in favour of the petitioner in spite of receiving consideration as fixed by the 2nd respondent and depositing the money towards registration.

It is the case of the petitioner that he was allotted land to an extent of 0.44 cents vide G.O.Rt.No.32, dated 05.01.2009 issued by the 1st respondent on payment of an amount of Rs.2,99,13,236/- as fixed by 2nd respondent-District Collector at the prevailing market value. That in pursuant to the G.O.Rt.No.32, 05.01.2009, the 2nd respondent called for the report from Revenue Divisional Officer, Nellore, who in turn submitted/informed that the prevailing market value for the surrounding land varies from Rs.47,19,117/- to Rs.1,08,53,526/- per acre on verification of contemporary sales. However, by referring the same, the 2nd respondent fixed the value as Rs.5.00 crores per acre vide proceedings No.D.Dis.No.E4/255/2009, dated 10.02.2009. Aggrieved by the said proceedings, W.P.No.15517 of 2009 was filed challenging the proceedings of the District Collector fixing the rate as Rs.5 Crores, which was allowed by this Court by order dated 08.03.2011 setting aside the proceedings of the 2nd respondent Collector and remanded the matter for fresh consideration.

When no decision was taken in pursuant to the aforesaid order dated 08.03.2011 in the writ petition, C.C.No.2116 of 2014 was filed. After filing the Contempt Case, the 2nd respondent fixed the market value as Rs.13,61,25,000/- in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. When this Court observed that the said Act is not applicable, the 2nd respondent passed fresh proceedings dated 24.05.2015 fixing the market value of the land in question at Rs.2,99,13,236/-. Thereafter, the petitioner paid the said amount through cheque bearing No.09006813 in Union Bank of India, dated 27.06.2016 given in favour of the Commissioner, Nellore Municipal Corporation. Thereafter the petitioner also paid an amount of Rs.22,43,650/- with the Joint Sub-Registrar, S.P.S.R.Nellore account in Stamp Duty collection Account bearing No.10241716537 vide receipt No.5027, dated 27.06.2016. Subsequently, the petitioner made representation on 28.06.2016 requesting the 3rd respondent to register the land. In spite of receiving the amount as stated supra, the 3rd respondent is not registering the subject land in favour of the petitioner. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri Ancha Panduranga Rao, learned Standing Counsel for the 2nd and 3rd respondents.

Since it is stated that as per G.O.Rt.No.32 Municipal Administration & Urban Development (W1) Department, dated 05.01.2009, market value was paid by the petitioner after fixing

of the same along with registration value, it is for the 3rd respondent to take steps for the registration of the subject land in favour of the petitioner.

In view of the same, the 3rd respondent is directed to consider the representation of the petitioner dated 28.06.2016 as per G.O.Rt.No.32, dated 05.01.2009 and pass orders in accordance with law and take action, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

25.11.2016
kvs

A.RAJASHEKER REDDY, J



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Date: 25 .11.2016

kvs

