

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.2489 OF 2016

ORDER:

Petitioner contends that his land for an extent of Ac.0.19 cents in Survey No.211/6 of Anantapuram Town was taken by the respondents in the year 2010 for widening of the existing road from RTC Bus Stand to Tadipatri, but no proceedings for acquisition were initiated and no compensation was paid to the petitioner till date.

2) The 3rd respondent has filed a counter affidavit stating that the petitioner should prove that he is the owner of the said land. It is stated that a detailed report was sent to the State Government for acquisition of lands for formation of 80' road and for payment of compensation to the affected persons. It is stated that there are no funds available with the 3rd respondent to pay compensation to the affected parties and the Government was requested to sanction and release funds to pay compensation. It is stated that on receipt of funds from the Government, 3rd respondent would pay the compensation to the eligible persons by initiating procedure under the Land Acquisition Act, 1894. It is also stated that representation of the petitioner for payment of compensation is under scrutiny with Town Surveyor and other officers of the 3rd respondent with regard to ownership of the land, which is

affected in the road widening, in order to decide whether he is eligible or not for receiving compensation.

3) As seen from para 6 of the counter affidavit, the 3rd respondent admits that the petitioner is the owner of the said land in Survey No.211/6 of Anantapuram Town of an extent of Ac.0.19 cents, which is effected by 80' wide master plan road. In view of this plea of the 3rd respondent admitting the title of the petitioner to the subject land, it is not open to the 3rd respondent to dispute petitioner's ownership to the subject land.

4) The 4th respondent has filed another counter mentioning about acquisition of some other lands but not the land of Ac.0.19 cents in S.No.211/6 claimed by the petitioner and he stated that there is no requisition to acquire petitioner's land. It is stated that if the 3rd respondent files a requisition in Form-I for acquisition of petitioner's land, after following due process, compensation will be paid to the petitioner.

5) Having regard to the above pleadings of the respective parties, it is clear that the land belonging to the petitioner of an extent of Ac.0.19 cents in survey No.211/6 of Anantapuram Town is affected for the purpose of widening of existing road from RTC bus stand to Tadipatri. While, the 3rd respondent states that he has

already made a request to the Government to sanction and release funds to pay compensation to the affected persons in the land acquisition process, in para 7 of his counter, the 4th respondent states that no requisition has been given for acquiring the petitioner's land.

6) Since it is not disputed that the land of the petitioner is utilized for the purpose of road widening, the 3rd respondent is directed to send a requisition to respondents 1, 2 and 4 within two weeks from the date of receipt of a copy of this order for issuing a notification under the provisions of The Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, and on receipt of the said requisition from the 3rd respondent, respondents 1, 2 and 4 shall process the same and take appropriate steps under the provisions of the said Act for notifying petitioner's land for the purpose of acquisition and complete the process of acquisition as well as payment of compensation within six months from the date of receipt of the requisition from the 3rd respondent. In the event, this process is not completed within the period of six months, the respondents shall restore petitioner's land to the petitioner in the same condition in which they have taken it from the petitioner.

7) The writ petition is allowed as above. No order as to

costs. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Justice M.S.Ramachandra Rao

13th April, 2016.
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