

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1798 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Irrigation for respondent No.1, learned Government Pleader for Revenue for respondents 2 to 4 and learned counsel for respondents 5 and 6.

2. It is the case of the petitioner that his father late Vemula Rama Rao purchased land to an extent of Ac.2.72 cents in Survey No.294/1 and Ac.2.67 cents in Survey No.297/1 of Buttaigudem Village and Mandal, West Godavari District under a registered sale deed, dated 05.09.1959. He died intestate on 27.07.1992 leaving behind the petitioner as his successor. While so, the petitioner came to know that respondents 1 to 4 are acquiring the said lands for the purpose of providing the same to land losing persons of Polavaram project under rehabilitation scheme. Hence, he submits that he shall not be displaced without payment of compensation. He also states that he has addressed a letter, dated 29.12.2016 to respondents 1 to 3 by registered post enclosing all relevant documents, but without considering the same, the 3rd respondent is proceeding with the award enquiry and trying to disburse the compensation amount to respondents 5 and 6 in collusion with them.

3. Now a counter affidavit is filed on behalf of respondents 5 and 6 stating that the 5th respondent is the absolute owner in respect of land to an extent of Ac.2.72 cents situated in survey

No.294/1, claimed by the petitioner. He further submitted that he purchased the same from one Mamillapalli Narayana under an unregistered possessory sale agreement, dated 10.09.1969. He also states that since the date of purchase, he is in continuous possession of the said land. He further states that his right, title, possession and enjoyment of the land were confirmed by the Special Deputy Collector in S.R.No.50 of 2004, dated 28.04.2006. Similarly, the 6th respondent is the owner and possessor of land to an extent of Ac.2.67 cents in survey No.297/1, claimed by the petitioner. He also states that his right, title, possession and enjoyment were confirmed by the Special Collector in S.R.No.51 of 2004 on 28.04.2006. Thus, respondents 5 and 6 claimed the lands claimed by the petitioner in the present writ petition.

4. It is stated by learned counsel appearing for the respondents 5 and 6 that Award was passed on 06.11.2016, but the compensation amount was not disbursed to them in view of pendency of present writ petition.

5. The writ petitioner did not file any document in support of his claim. But in view of claim of the petitioner that he purchased the said lands under a registered sale deed, his case has to be considered.

6. In view of the above, the parties are relegated to agitate their rights before the competent authority established under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. The petitioner as well as respondents 5 and 6 can submit written application to the Collector seeking reference for determination

with regard to the persons to whom the amount of compensation shall be payable and two weeks' time is granted to them to make necessary application to the Collector and the Collector shall refer the matter to the competent authority within two weeks thereafter.

7. Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

AUGUST 11, 2017
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Date: 11.08.2017

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