

THE HON'BLE SRI JUSTICE A.V. SESA SAI

W.P.No.1594 of 2017

ORDER:

In the present Writ Petition, challenge is to the action of the Respondents in not paying compensation to the petitioners on par with other land owners as per the compensation fixed by the District Level Negotiation Committee.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Respondents.

3. According to the petitioners, they are the permanent residents of Devanuru village, Miduthuru Mandal, Kurnool district, owning the lands situated at Sakunala village, Orvakallu Mandal, Kurnool District. The Respondent authorities initiated proceedings for acquisition of the lands for the purpose of establishment of Mega Solar Park at Sakunala village. In furtherance of the same, the land acquisition authority passed a general award for an extent of 888.66 Acres and a consent award for an extent of 285.19 acres. Thereafter, the issue landed before the State Government and the State Government by way of Memo bearing No.238/PR.II(A1)/2016 dated 28.10.2016, accepted the proposal of the District Collector for permission to rectify the award passed for acquisition of the lands. Thereafter, the 3rd respondent passed two awards, namely; general award for an extent of 427.03 Acres and consent award dated 26.9.2016 for an extent of 461.63 Acres. The grievance of the petitioners in the present Writ Petition is that the Respondent authorities instead of passing consent award, as was done in respect of an extent of 461.63 Acres, passed a general award in respect of the subject properties and granted compensation @ Rs.70,000/- per acre on

the ground that the subject lands are Government dotted lands. In the counter affidavit filed by the 3rd respondent-Revenue Divisional Officer, it is stated that the subject lands are classified as dry lands and they are dotted lands.

4. During the course of hearing, the learned counsel for the petitioner has placed on record the order dated 25.2.2013 passed in W.P.No.47 of 2013. In the said order, this Court categorically found that it is well settled that mere entry in RSR does not constitute conclusive proof of title and that if the other revenue records disclose that the land is a private land, the entry in RSR will have no evidentiary value.

5. Even as per the counter filed by the 3rd respondent-Revenue Divisional Officer as per 10(1) khata No.131, Devanur Abdul Rehman, Abdul Kareem are pattadars, Syed Hussain Saheb S/o Syed Khaja Peera purchased land from Ummar Mia, Akbar Ali of Devanur vide document No.271/73 and Syed Hussain Saheb is his father as per claimant. It is also stated in the counter affidavit that the petitioner has produced pattadar passbook with Khata No.1125 with 1.17 Acres in Sy.No.364/A, 1.75 Acre in Sy.No.364/B.

6. In view of the order of this Court referred above and having regard to the material available before this Court, this Court is of the considered opinion that the reason assigned by the Respondents for depriving the petitioners of their legitimate claim for receiving compensation cannot be sustained in the eye of law.

7. For the aforesaid reasons, the Writ Petition is allowed, directing the Respondents herein to pay compensation to the petitioners on par with other land owners as per compensation fixed by the District Level Negotiation Committee in respect of the subject properties as per consent award dated

26.9.2016 passed by the 3rd respondent-Revenue Divisional Officer, Kurnool.

As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI , J

Date: 30.3.2017
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30.3.2017