

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.28133 of 2012

ORDER:

1. This writ petition is filed by the petitioner challenging the action of the 2nd respondent in rejecting his representation for payment of compensation for acquiring his property of an extent of Ac.0.47 cents situated in Sy.No.300/B2 at Amikathadu village, Krishnagiri Mandal, Kurnool District vide Rc.G1.323/2011 dated 15.12.2011, and seeking a direction to respondents Nos.2 and 3 to pay compensation for the above property acquired by them.

2. The brief facts of the case are as follows:

The petitioner is the absolute owner of the property viz., Ac.0.47 cents situated in Sy.No.300/B2 at Amikathadu village, Krishnagiri Mandal, Kurnool District, and the said property was acquired for the purpose of road widening for National Highway-7 from Kilometer No.203 to 293 (Secunderabad to Bangalore bypass), NHA1, Kurnool. A notification was also issued on 29.8.2005 under Section 3A(1) of the National Highways Act, 1956. In the said notification, the property of the petitioner was shown as private property and he was called for enquiry conducted under Section 3(C)(1) and (2) of the National Highways Act. The petitioner submitted all his documents. Final notification under Section 3D(1) &(2) of the Act was published on 13.12.2005. Subsequently, enquiry was conducted under Section 3(G) of the Act. As the petitioner was working in Naval, he could not approach respondent No.3 in time. After the said enquiry, award was passed and in the award, the property of the petitioner was mentioned as Government property. When the petitioner approached respondent Nos.2 and 3, the 2nd respondent directed the Mandal Revenue

officer to conduct necessary enquiry with regard to the disputed property. After conducting enquiry, it was reported that the enquiry with regard to RSR of Amikathadu village reveals that the property in question was classified as Government property with dots. It was further reported that the property in question was purchased by the petitioner vide document No.1572/2000, dated 14.8.2000 and that the name of the petitioner was entered in adangals as pattadar. Even though a report was submitted, the 2nd respondent informed that no compensation will be paid for the property in question as the said property belongs to the Government. Aggrieved by the same, the petitioner filed this writ petition.

3. Learned Counsel for the petitioner submitted that the petitioner is the owner of the property in question and he is having all relevant documents and that on the representations made by the petitioner, the revenue authorities made enquiries and observed that the petitioner is the owner of the property in question.

4. Learned Government Pleader for Land Acquisition submitted that on the representation made by the petitioner, the Revenue Divisional officer inspected the said property and submitted a report to the Collector stating that the petitioner purchased the Government property and therefore, he is not entitled to make any claim over the property in question.

5. Considering the facts and circumstances of the case, this Court is of the view that the rival contentions raised by both the Counsel cannot be decided by this Court. However, it is just and proper to direct the petitioner to make a representation to the authorities concerned raising all the points that were raised in this writ petition along with the relevant documents to establish his title over the property in question. On such

representation being filed, the respondents are directed to conduct a detailed enquiry so as to decide as to whether the petitioner has any right over the property in question, and pass appropriate orders. If the said issue is decided in favour of the petitioner, the respondents are directed to pass supplementary award in favour of the petitioner. If the issue is decided against the petitioner, he is at liberty to approach appropriate forum for appropriate relief.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Dated: 28.2.2017.
Nn



Justice Raja Elango

HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION NO.28133 OF 2012

28.2.2017

Nn