

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.20568 OF 2007

Date 21.12.2017

Between:

Thimmakula Adireddy and others.

... Petitioners

AND

The District Collector, Anantapur and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.20568 of 2007

ORDER:

The action of the respondents, in taking the lands of the petitioners of an extent of Ac.0.10 cents to Ac.1.00 in Sy.Nos.35, 36, 46, 42-2 and 20 situate at Rapthadu Village and Mandal, Anantapur District, pursuant to notification dated Nil.05.2006, is questioned in the writ petition as being illegal and arbitrary.

Brief facts, according to the petitioners, are that they are residents of Parasannayapalli Village, Rapthadu Mandal, Anantapur District; petitioner Nos.1 and 2 succeeded to an extent of Ac.4.31 cents in Sy.No.35; petitioner No.3 succeeded to land admeasuring Ac.4.24 cents in Sy.No.35; petitioner No.4 succeeded to Ac.6.07 cents in Sy.No.36; petitioner No.5 succeeded to Ac.2.57 in Sy.No.42-2; and petitioner No.6 succeeded to Ac.4.72 cents in Sy.No.20. Certain portion of land was acquired in the year 1974 from the ancestors/vendors of the petitioners for laying bypass road from Rapthadu Village to Tadakaluru; in the year 2004, the authorities conducted survey for extension of bypass road into four way lane; the authorities, while laying bypass road, deviated the plan and laid the road in the land belonging to the petitioners, which was not acquired for the purpose of laying bypass road; due to which, petitioners lost their lands for which, compensation was not paid; and the petitioners

filed representations for conducting survey and redressal of their grievances.

In the counter affidavit, it is, *inter alia*, stated that award No.6/74 dated 10.09.1974 was passed in respect of subject lands; compensation was paid to land lost awardees; and possession was handed over to R&B Department which, in turn, laid four-lane road.

The Writ Petition was admitted on 02.11.2007. This Court, by order dated 25.07.2017, passed the following order:

“The case of the petitioners is that their lands have been taken for the purpose of laying by-pass road and the respondents neither initiated land acquisition proceedings nor compensation paid.

The counter affidavit filed by the respondent No.4-National Highway Authority of India discloses, *prima facie*, the lands of the petitioners acquired in the year 1974 by the then Land Acquisition Officer, Anantapur, were utilised for the purpose of formation of NH-7 bypass road. However, in the said counter they have taken a stand that the land acquisition for formation of NH-7 bypass road was done in the year 1974 by the then Land Acquisition Officer, Anantapur, and therefore, the previous records are with the 5th respondent – R & B Department. Though the District Collector, Revenue Divisional Officer, Anantapur, Tahsildar, Rappthadu Mandal, and the S.E, R&B (NH), Anantapur are parties to the writ petition, and though the Writ Petition is of the year 2007, no counters have been filed before this Court.

As a matter of fact, the record discloses that by letter dated 04.05.2006, the then District Collector, Anantapur District, Anantapur directed the Revenue Divisional Officer, Anantapur to enquire into the matter i.e., Pre-Litigation Case bearing LSA.No.275 of 2006 on the file of District Legal Services Authority, Anantapur filed by the petitioners alleging deviations in laying the National Highway and to take necessary steps. Though the petitioners have been making complaints, the authorities are not responding in any manner.

Learned Government Pleader represented that the Collector, who is incharge as on today, cannot be blamed for the laches committed by

his predecessors and, therefore, he seeks two weeks time for filing counter.

Hence, this Court deems fit to give a last opportunity to the District Collector to enquire into the matter and redress the grievance of the petitioners within a period of two weeks from the date of receipt of a copy of this order, if for any reason the grievance of the petitioners cannot be enquired into and redressed, the District Collector shall file counter affidavit making their stand clear by four weeks.

Copy to be dispatched to the present incumbent District Collector, Ananthapur, to enable him to take necessary steps.

Post after four weeks.”

In the counter affidavit filed by Sri A.Malola, Revenue Divisional Officer, Ananthapur, it is specifically stated at paras 7 to 10 which reads as follows:

“7. It is submitted that upon instinctive examination of the entire material on record and keeping in view of the directions issued by the Hon’ble High Court of Judicature, A.P. Hyderabad in W.P.No.20568 of 2007 dated 25.07.2017, I have personally inspected the petition schedule fields on 19.08.2017 along with the Tahsildar, Rapthadu, Mandal Surveyor, Rapthadu and other field staff. The petitioners were also present at the time of inspection. I submit that the petitioners presented their grievances for the fair compensation in lieu of their lands acquired. The following fields have been focused by the petitioner for which they intend to claim relief and for the purpose they stated to have approached the Hon’ble High court of Judicature. During the course of my inspection of the petition schedule fields, the Mandal Surveyor at the instance of the petitioner has measured on scale and culled out the exact extents in the survey fields acquired for National High way at Prasannayapalli Village in Rapthadu Mandal. Some of the petitioners have claimed the corresponding compensation for the extents they lost in the deviation caused in lying the National High Way and some of them have expressed that they lost some portion of their lands and some portions though acquired ‘not utilised’ by the National High Way authorities. They accepted to forego compensation for the land portion acquired on the condition that the unutilised extents shall be given back to them as follows:

Sl. No.	Name of the petitioner/ pattadar	Petition schedule land in Sy.No.	Extent in Acres	Unutilised Land in Sy.No.	Extent Unutilised By NHAI (Ac.)
1.	Chinna Rosi Reddy S/o.Lakshmi Reddy	42-2C	0.56	42-2C	0.47
2.	K.Chinnapa Reddy S/o.K.Pakeer Reddy	20-1A	0.68	-	-
3.	T.Adi Reddy S/o.Narasimha Reddy T.Lakshmi Devi W/o.T.Adi Reddy Peddapulla Reddy S/o.late V.Nadipi China Narayana	35-3	2.93	35-2	1.91
4.	V.Lakshmi Devi W/o.V.Nagalinga Reddy	36-3	0.93	-	-

8. It is submitted in respect of the petitioners at Sl.Nos.1 and 3 viz. Chinna Rosi Reddy, T.Adi Reddy, T.Lakshmi Devi and Pedda Pulla Reddy, they have stated that they don't require any compensation but they require the unutilised extents to be given back to them.

In respect of Sl.No.2 viz., K.Chinnapa Reddy, he is claiming fair compensation for Ac.0.68 in Sy.No.20-1A

In respect of Sl.No.4 viz. V. Lakshmi Devi, she is claiming fair compensation for Ac.0.93 in Sy.No.36-3.

9. It is submitted that in view of aforesaid features developed on record, the Project Director, National High Way Authorities of India, Ananthapuramu has been separately addressed in this regard to take necessary action for placing requisition with the competent authority for land acquisition and Joint Collector in respect of the lands taken by the NHAI for which requisition was not placed.

10. This matter will be pursued with the NH Authorities and as soon as the requisition and sufficient funds are received from NHAI every justice will be extended to the petitioners in payment of compensation for the extents they lost in laying the NH Road and given back the unutilised portions upon thorough examination as per the norms envisaged under Act."

Heard the learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

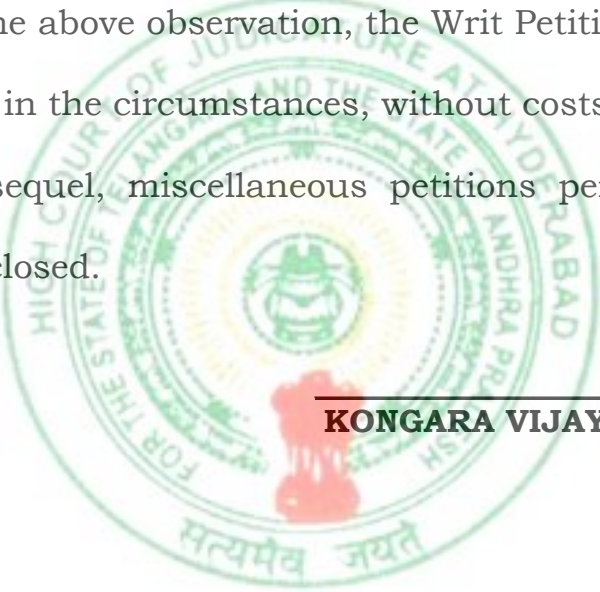
In view of the statements made by the Revenue Divisional Officer, Anantapur, in his counter affidavit dated 22.08.2017, learned counsel for the petitioners submits that

the petitioners may be given liberty to file a representation setting forth their grievances before the Revenue Divisional Officer, Anantapur.

In the circumstances, the petitioners shall file a detailed representation setting forth their grievances before the Revenue Divisional Officer, Anantapur and, on filing such representation, the Revenue Divisional Officer, Anantapur, shall consider and dispose of the same, as expeditiously as possible, in accordance with law.

With the above observation, the Writ Petition is disposed of. However, in the circumstances, without costs.

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



KONGARA VIJAYA LAKSHMI, J

Dt:21.12.2017
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