

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22680 of 2007

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the inaction of the respondents in allotting Ac.1.08 guntas of land in Grama Kantam (Gouthan Area), in lieu of the land taken by APCPDCL for erection of 132 KV Sub-station in Sy.No.1 admeasuring Ac.0.13 guntas, as illegal and arbitrary.

The case of the petitioner is that she is the pattadar of land admeasuring Ac.0.13 guntas situated at Syedmalkapur (V), Pargi (M), Panga Reddy District, and that 132 KV Sub-station was erected in the neighbouring Gram Kantam (Government land) land. The total area of the Grama Khantam land is Acs.04.38 gts., and the Sub-station was erected in an extent of ACs.02.39 gts. For construction of the compound wall around the said Sub-station, the land of the petitioner was required. Therefore, the 4th respondent made a proposal to the petitioner to part with Ac.0.13 gutnas of land and from out of the balance Grama Kantam Land, an extent of Ac.1.08 will be allotted to the petitioner, since the land of the petitioner has the commercial value. The petitioner accepted the said proposal and the Gram Panchayath has also passed resolution in the year 2004 itself. Thereafter, the land of the petitioner was taken by the APCPDCL and constructed the compound wall. But, the respondents have not yet assigned the alternative land i.e. the land admeasuring Ac.1.08 guntas, as proposed by the respondents, to the petitioner though the petitioner made several representations. Hence, this writ petition.

The main grievance of the petitioner is that on the basis of the resolution passed by the Gram Panchayath, dated 20.01.2004, the respondents have agreed to take the land of the petitioner admeasuring an extent of Ac.0.13 guntas and proposed to give an extent of Ac.1.08 guntas of land, and thereafter, on the basis of the representations made by the petitioner on various occasions, the 3rd respondent sent proposals to the Revenue Divisional Officer and also the 2nd respondent for assigning the land to the petitioner, and the RDO also addressed a letter to the 2nd respondent for taking necessary action for allotting the Grama Kantam land to the petitioner and the 2nd respondent also addressed a letter to the 1st respondent, but till date no land is allotted to the petitioner.

Considering the facts and circumstances of the case and also the view taken by the MRO and the RDO in proposing that the land should be allotted to the petitioner, this Court is of the view that once the authorities agreed for transfer of land in favour of the petitioner for which the petitioner parted with an extent of Ac.0.13 guntas of her land in favour of the Government, necessarily the Government has to pass orders assigning the Grama Kantam land of an extent of Ac.1.08 guntas, in favour of the petitioner, as agreed by them by way of the resolution passed in the Gram Panchayath. Hence, this Court is inclined to pass the following order:

The respondents are hereby directed to pass orders in favour of the petitioner allotting the Grama Kantam land of an extent of Ac.1.08 guntas as per the proposal made by the respondents and the resolution passed by the Gram Panchayat in the year 2004, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of.
No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

RAJA ELANGO, J

September 12, 2017

KTL

