

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19098 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents 1 to 3.

The petitioner states that he is a permanent resident of Pudicherla village, Orvakal Mandal, Kurnool District. He is the owner of the land of an extent of Ac.5-35 cents situated in Survey No.10 of Pudicherla village, Orvakal Mandal, Kurnool District and it is his ancestral property. The revenue authorities have issued pattadar passbooks in his favour for the entire extent of Ac.5-35 cents and his name is found in the Adangals and I-B Register. While so, the entire land was resumed by the Revenue Divisional Officer for the purpose of establishment of 'Green Field Airport' in Sakunala Mandal, vide his proceedings dated 27.01.2017 without following the land acquisition proceedings. However, the petitioner gave his consent for the said purpose. The third respondent did not recommend the case of the petitioner for an extent of Ac.3.35 cents and stated that earlier compensation was recommended for Ac.2.00 and was paid off. The observations of the third respondent are as follows:

"2. As per RSR it is an A.W. (dotted) land. No Assignment is made as per Assignment Registers of I to VII Phases. No PPB is issued. At present Redgram crop is raised on the ground. But as per adangal, he is in enjoyment to an extent of 12.00 acres only. Previously land compensation was recommended for 2.00 acres and paid accordingly. He got the land from his ancestors. It is not assigned to him though it is a dotted land. As seen from the old Adangals, the enjoyment of 2.00 acres has been recorded from the year 2005 (Fasli 1415). As per enjoyment survey of survey team, he is in enjoyment to an extent of 5.35 acres. However, its entries are not reflected in adangal. Therefore, this case is not recommended for payment of land compensation to the balance extent of 3.35 acres. Hence, the land compensation amount is not recommended to Sri Kadumuri Siva Krishnudu, S/o Maddilety to an extent of Ac.3.35 cents."

Challenging the said order dated 27.01.2017, the present Writ Petition is filed.

Learned counsel for the petitioner submits that the revenue records clearly reflect the title of the petitioner in respect of the total extent of Ac.5-35 cents and the said entire extent of land was in his possession for more than 100 years.

It appears that the above recommendation was made by the third respondent based on the records available with the Tahsildar, Orvakal who had submitted a report. The land appears to have been acquired on the basis of negotiations and the Government constituted a Negotiation Committee under the Chairmanship of the Joint Collector, M.D BIACL as member, Revenue Divisional Officer as member and convener and Chief General Manager Finance INCAP as member. There is no dispute with regard to acquisition of the land. The point involved is whether the petitioner is entitled for compensation for Ac.3-35 cents which is now stated to have been classified as AWD land with dotted lines. In case of doubt, the third respondent should have placed the matter before the Negotiation Committee after issuing notice to the affected parties, but such procedure is not followed by the third respondent and the third respondent on his own came to the conclusion that the petitioner is not entitled for compensation for the extent of Ac.3-35 cents.

In the circumstances, the order dated 27.01.2017 passed by the third respondent is set aside so far as the petitioner is concerned and the third respondent is directed to place the matter before the Negotiation Committee under the Chairmanship of the Joint Collector, Kurnool District and the Negotiation Committee shall take a decision on the right of the petitioner to receive compensation for the left over extent of Ac.3-35

cents, within a period of two (2) months from the date of receipt of a copy of this order, after hearing the petitioner and perusing the documents filed by the petitioner.

The Writ Petition is, accordingly, allowed to the extent indicated above. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 04.09.2017

Nsr

