

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

WRIT PETITION No.10939 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ, order or direction, more particularly a Writ of Mandamus, declaring inaction of the respondent authorities in paying compensation for acquisition of the petitioner's land to an extent of Ac.0.40 cents, out of the land covered by R.S.No.25/1B; and Ac.0.28 cents, out of the land covered by R.S.No.25/2B, situated at Madhavaram Village. Tadepalligudem Mandal, West Godavari District, as arbitrary, illegal, biased, unconstitutional and violative of the provisions of the Land Acquisition Act. 1894, as amended from time to time, and consequently, direct the respondent authorities to pay compensation as per law to the petitioner in respect of the land to an extent of Ac.0.40 cents, out of the land covered by R.S.No.25/1B; and Ac.0.28 cents, out of the land covered by R.S.No.25/2B, situated at Madhavaram Village, Tadepalligudem Mandal, West Godavari District.”

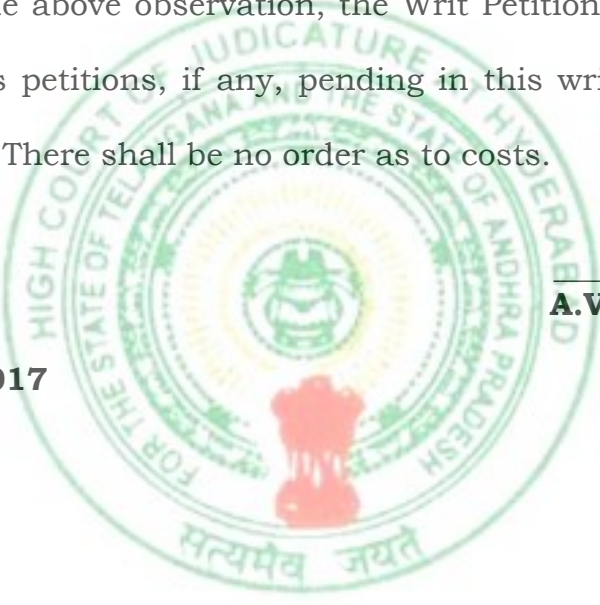
2. In the affidavit filed in support of the petition, it is stated that the petitioner herein is the wife of late M.Rama Satyanarayana, who is the eldest son of late Maddukuri Venkata Chalapathi Rao. The said Satyanarayana has two brothers viz., Maddukuri Moola Swamy and Maddukuri Ramachandra Rao respectively. It is further stated that the petitioner's mother-in-law owns Ac.2.50 cents of land in R.S.No.25, Madhavaram Village, Tadepalligudem Mandal, West Godavari District, which was purchased by way of Registered Sale Deed, dated 12.04.1967. It is also stated by the learned counsel for the petitioner that the petitioner's mother-in-law expired on 18.02.1981. It is further

stated that after demise of father-in-law of the petitioner, the property had devolved upon his three sons namely, late Maddukuri Rama Satyanarayana, Maddukuri Moola Swamy and Maddukuri Ramachandra Rao and the petitioner's husband passed away on 21.03.2015. According to the petitioner, the respondent authorities acquired an extent of Ac.0.40 cents of land covered by R.S.No.25/2B, situated at Madhavaram Village, Tadepalligudem, West Godavari District, for construction of Tadipudi Lift Irrigation Project, Unit-II, Nallajerla Project. It is also averred in the writ affidavit that the petitioner herein made several representations including the representation, dated 31.08.2015, to the respondent authorities, requesting for compensation for the acquired land. It is further stated that the Special Deputy Collector, vide letter bearing Ref.No.10/2016, dated 06.06.2016, directed the petitioner herein to furnish information as to the share in the subject property.

3. An affidavit, dated 26.07.2016, signed by Sri Maddukuri Mulaswamy, Maddukuri Ramachandra Rao, is enclosed along with the writ petition. In the said affidavit, the individuals expressed their consent for payment of compensation in favour of their sister-in-law i.e., Smt Sivakumari W/o late Rama Satyanarayana. Subsequently, on 11.11.2016, the petitioner herein submitted a representation to the Special Deputy Collector, Land Acquisition-3rd respondent herein, requesting for payment of compensation for the subject property. According to the learned counsel for the petitioner, no action has been taken on the said representation so far.

4. Having heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition, this Court deems it appropriate to dispose of the writ petition, directing the respondents herein to pass appropriate orders on the said representation, dated 11.11.2016, submitted by the petitioner herein, subject to petitioner producing all the relevant materials, as expeditiously as possible, in accordance with law, and communicate the order within a period of three months from the date of receipt of a copy of this order,

5. With the above observation, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

The seal of the High Court of Andhra Pradesh is a circular emblem. It features a central green emblem with a white star and a white lotus flower. The text "HIGH COURT OF ANDHRA PRADESH" is written in a circle around the central emblem. Below the emblem, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The seal is green and white.

A.V.SESHA SAI, J

APRIL 20, 2017
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Date: 20.04.2017

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