

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34047 OF 2017

ORDER:

The case of the petitioners is that originally grand father of 1st petitioner by name Kolluri Padma Raju is the absolute owner of the lands in Sy.No.174, 214/1, 218, 400, 401/1, 401/2, 403, 404/1, 404/2, 404/3 and 404/4 in Reddy Ganapavaram Village, Buttayagudem Mandal, West Godavari District. Said Kolluri Padma Raju died in the year 1971 leaving behind his son by name Kolluri Satthiraju who is the father of the 1st petitioner and after demise of Kolluri Padma Raju, the land in Sy.No.400 to an extent of Ac.24.29 cents in Reddy Ganapavaram Village, Buttayagudem Mandal, West Godavari District is in possession and enjoyment of the 1st petitioner's father i.e. Kolluri Satthiraju along with his sisters. The father of the 1st petitioner died in the year 2014 leaving behind the 1st and 2nd petitioner along with others. The land in Sy.No.400 to an extent of Ac.24.29 cents in Reddy Ganapavaram Village, Buttayagudem Mandal, West Godavari District was claimed by the 9th respondent with fabricated documents. The 9th respondent after the demise of the father of the 1st petitioner obtained fabricated passbooks and title deeds bearing No.E433267 vide Katha No.1057 dated 05-03-2010 in her name, with the connivance of revenue people. For which the petitioner preferred appeal on 13-03-2017 before the Revenue Divisional Officer, Jangareddygudem, West Godavari District i.e. 5th respondent and the same is pending. After preferring

appeal against grant of pattadar passbooks and title deeds in favour of 9th respondent, the 9th respondent filed WP.No.9387 of 2017 before this Court without impleading the petitioners seeking a direction declaring the action of the Mandal Tahsildar, Buttayagudem i.e. 8th respondent herein or any other respondents in trying to reopen and enquiry with regard to the grant of pattadar passbook and title deeds bearing No.E433267 vide IB Katha No.1057, dated 05-03-2010 granted in her favour for the land in Sy.No.400 to an extent of Ac.24.29 cents situated in Reddy Ganapvaram Village, Buttayagudem Mandal, West Godavari District as illegal and arbitrary and the same is pending for consideration. Meanwhile, preliminary notification under Section 11(1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the Act") is issued. Since the petitioners filed appeal against grant of pattadar passbooks granted to the unofficial respondent is pending under Section 5(B) of A.P.Rights in Land and Pattadar Passbooks Act, compensation shall not be paid to the unofficial respondent.

Heard Sri Gangaiah Naidu, learned Senior Counsel for the petitioners, who says that in the appeal filed by the petitioners against grant of pattadar passbooks notice was also issued to the unofficial respondent.

On the other hand, learned Assistant Government Pleader for Land Acquisition submits that land acquisition proceedings are at the stage of issuance of notice under Section 11(1) of the Act.

Heard learned counsel for the unofficial respondent.

It is to be seen that when land acquisition proceedings are pending, it is open for the petitioners to file objections either during award enquiry or to the notification issued under Section 11(1) of the Act, this Court cannot decide the said issue.

In view of the same, it is open for the petitioners to file objections in pursuance to Section 11(1) of the Act or before the Land Acquisition Officer (L.A.O.). However, though learned counsel for the unofficial respondent raised that appeal is not maintainable, it is for the appellate authority to consider the same and it is for the unofficial respondent to raise such objections before concerned R.D.O. and the R.D.O. shall dispose of the appeal after considering the objections raised by the unofficial respondent.

Accordingly, the writ petition is disposed of granting liberty to the petitioners to raise all the objections raised herein before L.A.O. and the L.A.O. is directed to consider said objections of the petitioners while passing award in accordance with law and take action accordingly.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

23-11-2017

Nvl



