

THE HONB'E SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4642 OF 2010

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in not paying the compensation to the petitioners in respect of lands over an extent of Ac.6.49 cents in Sy.No.1542/A-5 and Ac.4.07 cents in Sy.No.1542/B situated at Eddoru Bit-II Village, T.P. Gudur Mandal, Sri Potti Sriramulu Nellore District duly deleting the endorsement from the Award dated 01.03.2008 as per the instructions of the 1st respondent dated 6.8.2008 and in the light of the letter dated 07.07.2008 of the 2nd respondent.

It is the case of the petitioners that they were shown as owners/enjoyers of the land in Sy.Nos.1542/A5 and 1542/B both in 4(1) notification and subsequent 6 declaration issued by the 2nd respondent-Land Acquisition Officer. At the time of award enquiry, petitioners participated in the award proceedings. However, in the final award passed by the Land Acquisition Officer (for short, "the LAO"), petitioners were denied the payment of compensation for the land over an extent of Ac.10.56 cents in Sy.Nos.1542/A and 1542/B of Eddoru Bit-II Village of T.P. Gudur Mandal, Nellore District on the ground that the said lands alleged to have been surrendered by the original pattedars Sri S. Ramalinga Reddy and others as per the proceedings in C.C.Nos.2257, 2258 and 2261/NLR/75. It is the claim of the petitioners that the pattedar pass books and title deeds were issued in their favour and it is only the full extent of Ac.10.63 cents in Sy.No.1542/A were surrendered and the extent of Ac.4.14 cents were distributed leaving Ac.6.49 cents. In Sy.No.1542/B, an extent of Ac.5.82 cents of the land was surrendered and an extent of Ac.1.75 cents of land is distributed leaving the balance land of Ac.4.07 cents. Confirming all these aspects of the matter, the Tahsildar addressed a letter dated 30.06.2008 to the Revenue Divisional

Officer, Nellore. In those circumstances, the present writ petition is filed alleging non payment of compensation to the petitioners is arbitrary and illegal.

A counter-affidavit is filed by the Revenue Divisional Officer, Nellore setting out the facts. In the counter-affidavit, it is categorically averred that the petitioners did not have any right or title to the lands in Sy.Nos.1542/A and 1542/B of Eddoru Bit-II Village of T.P. Gudur Mandal, Nellore District. Though the petitioners have pass books and title deeds to the land measuring Ac.10.56 cents in the said survey numbers, they failed to establish as to how the petitioners secured the lands and pattedar pass books in respect of ceiling surplus lands. It is specifically asserted that the land in Sy.Nos.1542/A and 1542/B was the land surrendered by one S. Ramalinga Reddy and his family members in the land ceiling proceedings. Hence, the denial of the land acquisition compensation to the petitioners is just and reasonable and there is no violation of Articles 14, 21 and 300A of the Constitution of India as claimed by the petitioners. Adverting to the Tahsildar's report, it was stated that the Tahsildar had not conducted any detailed enquiry with respect to the land ceiling files and he had submitted the information as sought by the Revenue Divisional Officer only based on the distribution particulars of surplus lands and the information submitted only limited to the extent of the surplus lands distributed, but not with respect to the lands surrendered.

Having considered the respective submissions and having considered the finding that the entire issue with respect to the right of the petitioners hinges upon the fact that as to whether the petitioners are the owners of the land of Ac.10.56 cents in Edduru Bit-II village for which the petitioners claim to be paid the land acquisition compensation and this Court called for the land ceiling proceedings to ascertain as to

whether the petitioners are the declarants of land in Sy.Nos.1542/A and B. A perusal of the file discloses that none of the petitioners had declared any land in Sy.No.1542 as belonging to them and in the final order made on 2.11.1976 with respect to the petitioners' family does not disclose any land in Sy.No.1542.

On the other hand, the land in Sy.No.1542 was forming part of the declarations made by one S. Ramalinga Reddy and his family members and to that effect surrender proceedings were also issued. Even a close perusal of the affidavit filed by the petitioners does not disclose that the petitioners came to acquire the land in Sy.No.1542 even to prima facie come to the conclusion that the petitioners have any claim or interest with respect to the lands in Sy.No.1542. Merely because in the petitioners' name, petitioners had claimed to have obtained pattedar pass books that by itself cannot be a ground to come to a categorical conclusion that the petitioners are the owners of the land in Sy.No.1542 and entitled to receive the compensation under the Land Acquisition Proceedings particularly in the absence of any material linking the land in Sy.No.1542 to the petitioners. In those circumstances, there are no merits in the writ petition.

Accordingly, the writ petition is dismissed. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:05.07.2017,
Gk.

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.4642 OF 2010

Date:05.07.2017.

Gk.

