

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2695 OF 2017

ORDER:

The case of the petitioner is that her husband was granted D-Form patta to an extent of Ac.3.00 cents in Survey No.943/2 at Yerragunta Kanupuru-II Village and was issued Pattadar Pass Book and Title Deed vide Khata No.200 and his name was entered in revenue records. Subsequently, he died on 03.04.1998, since then the petitioner has been in possession and enjoyment of the subject land. While so, during 2015 the Village Revenue Officer instructed the petitioner not to do any cultivation in the said land and that Government is acquiring the land and will pay compensation before taking possession of the said land. Thereafter, the petitioner approached the Tahasildar and requested to take possession after paying necessary compensation, but, the Tahasildar orally informed the petitioner that land has already been resumed as she is not cultivating the land. As the petitioner has not received any notice before resumption of the land, she sought information under Right to Information (RTI) Act for furnishing the copies of resumption orders and the allotment to the NIMH. On such application the Tahasildar vide Rc.E.2102015 dated 24.06.2015 furnished the resumption orders and the proceedings dated 28.07.2015 regarding hading over the possession to the regional centre of NIMH at Nellore. But as per the said proceedings the land of the petitioner i.e. Survey No.943/2-5 to an extent of

Ac.3.00 has not been resumed. While handing over possession to the NIMH vide proceedings dated 28.07.2015, petitioners land has not been shown. However, in the map, petitioners land has been wrongly included and handed over to the NIMH. Therefore, petitioner submitted representations to the respondents 2 to 5 on 29.06.2016, 06.07.2016 and 12.07.2016 stating that the land to an extent of Ac.3.00 in survey No.943/2-5 has not been resumed and the petitioner has not been issued any notice. Thereafter, petitioner approached the Hon'ble Lokayukta vide complaint No.3051/2016/B1 for taking necessary action against the Revenue authorities. On such complaint the Hon'ble Lokayukta called for a report from the District Collector and the District Collector submitted a report dated 10.12.2016 stating that the land to an extent of Ac.10.00 in Survey No.943/1 & 943/14 has been handed over to NIMH and that while paying compensation to pattadars, the petitioner will also be paid. While matter stood thus, the Tahasildar issued an anti dated notice dated 05.11.2016 to the petitioner asking the petitioner to submit explanation within 15 days as to why the patta granted to the petitioner shall not be cancelled as the petitioner is not cultivating the said land. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue produced report dated 10.12.2016 submitted by the District Collector, Nellore to

the Registrar, Lokayukta wherein it is stated compensation will be paid to the petitioner in respect of her land.

Learned counsel for the 7th respondent filed counter stating that the subject land has been allotted to it and that construction work is under progress.

In this case, though notice dated 05.11.2016 is issued to the petitioner, the counter affidavit filed goes to show that even before the said notice is issued to the petitioner the subject land was resumed by the respondents. The respondents also admit that petitioner will be paid compensation, and since the learned counsel for the petitioner also states that if compensation is paid to the petitioner, he will not have any grievance, the proceedings dated 20.11.2016 issued by the 6th respondent is set aside and the respondents are directed to pay compensation to the petitioner in terms of G.O.Ms.No.240, dated 04.07.2015, in respect of subject land which was resumed and handed over to the 7th respondent. The said exercise shall be done within a period of three months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

10.02.2017
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