

**THE HON'BLE SRI JUSTICE M.GANGA RAO**

**WRIT PETITION No.27510 OF 2005**

**ORDER:**

The petitioner-Association, which was formed in the year 2005, filed this writ petition to declare the action of the respondents in not allotting the land and houses to the affected persons under Thandava reservoir project in spite of an order of allotment of land situated at Ananta Padmanabhapuram village of Nathavaram Mandal, as illegal.

2. The case of the petitioner is that the land losers of Tandava reservoir project, Jogampet, were formed into a Sangam to ventilate their grievances and registered the same vide Registration No.1321/05 under the Andhra Pradesh Societies Registration Act, with 125 members in the said society. All are landless poor persons, who lost their lands under Tandava reservoir project. The members of the petitioner-society were having small extents of land in Jogampet village and eking out their livelihood by raising crops in the said lands. The lands of the members of the petitioner society were acquired for construction of Tandava reservoir project in the year 1970 and project was also completed.

The further contention of the petitioner society is that its members made representation to the respondents-authorities for providing house sites and also for assignment of lands. The respondents handed over the possession of the lands to the persons to whom the land was allotted at Gandhinagaram, Nathavaram Mandal in the year 2003, whereas the respondents did not choose to handover the lands assigned at Ananta Padmanabhapuram village to the persons to whom it was allotted. The

petitioner-society requested the authorities to issue necessary pattas and hand over possession by demarcating the land allotted by the Government at Ananta Padmanabhapuram village. As the respondents did not take any action, the present writ petition is filed.

3. The second respondent filed counter stating that Tandava reservoir project was constructed by acquiring the lands under the provisions of Land Acquisition Act and the compensation was also paid for the acquired lands. The construction of the reservoir was completed in the year 1972-73 and even before completion of the construction of the project, the compensation amounts were paid to the land oustees. Apart from paying compensation, the land oustees were granted house site pattas and were also assigned agricultural lands to an extent of Acs.2.00 each and all the assignees were put in possession and houses were constructed and the colony was also named as Gandhi Nagar situated in Nathavaram Mandal of Visakhapatnam District. There were no complaints till date from anyone that they have not received either the compensation or house sites or assignment of the land. The present writ petitioner-Association appears to have formed very recently in the year 2005 alleging that the Association has 125 members and they were granted pattas and as the patta lands granted to some of the members were in illegal encroachment at Ananthavaram village, the petitioner-Association, filed the writ petition questioning the action in not allotting the land and houses to the affected persons under Tandava reservoir project in spite of allotment of land at Anantha Padmanabhapuram village, as illegal. It is further stated that the petitioner Association formed after 35 years of acquisition of lands and payment of compensation and 33 years after construction of project and they have never made any

representation before the respondents, and therefore, the writ petition is misconceived and liable to be dismissed.

4. Heard both sides.

5. After perusing the records and submissions of the learned counsel for both parties, it is found that the members of the petitioner-society have not made any representation for allotment of land. Construction of Tandava reservoir was completed in the year 1972-73. As seen from the counter averments, even before completion of the project, compensation was paid to the land oustees and apart from compensation, the persons were granted house site pattas and were also assigned agricultural lands to an extent of Acs.2.00 each, all the assignees were put in possession, the houses were constructed and the colony was named as 'Gandhi Nagar' situated in Nathavaram Mandal of Visakhapatnam District. Thus, in view of the specific assertions made in the counter affidavit, referred to above, the writ petition is dismissed.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

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**JUSTICE M.GANGA RAO**

27<sup>th</sup> December, 2017  
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