

WRIT PETITION No.2202 of 2017

ORDER :

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

“..to issue Writ, or Direction especially one in the nature of Writ of MANDAMUS declaring the action of the respondent authorities in not paying the compensation amount to the petitioners structures in Chukkayapalle H/ o Thimmarajupalle, Nandalur Mandal, YSR Kadapa District is illegal, arbitrary and Article 300-A of the constitution of India and direct the respondents to pay compensation and Transparency in Land Acquisition Act and Resettlement Act, 2013 and pass such other order or further orders as this Honorable Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioners and Government Pleaders for I & CAD and Land Acquisition appearing for respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

It is the contention of the learned counsel for the petitioners in support of the prayer with supporting affidavit that even from the Special Deputy Collector (Land Acquisition), Somasila Project, Rajampet addressed a letter to the 2nd respondent-Special Collector, Galeru Nagari Srujala Sravanthi, Kadapa, in reference No.D/ 494/ 2005, dated 15.02.2006 that all the 25 structures were gutted in fire accident on 13.04.1997 and owners of the structures have reconstructed the gutted structures after said Draft Notification and Draft Declaration under Sections 4 and 6 of the Act, 1894, and whether they are entitled to any compensation for the structures raised after fire accident on 13.04.1997 and it is clarified that they are not entitled to compensation. However, they are entitled to compensation according to them including by

saying they filed earlier W.P.No.23159 of 2000 before this Court and impugning the award No.1/97-98 dated 11.12.1997, whereunder, their entitlement to the compensation for the structures were not reflected and the writ petition though dismissed on 10.10.2001 is observed that they can make representation to the Government to seek relief as was granted in similar cases to the other villagers of Chapalavaripalle and Bandarupalle. Despite the same, the attention of the officials is not drawn to pay compensation to them.

Learned Government Pleader for Land Acquisition submits that there is no such representation even to consider if at all in similar cases of any compensation if at all paid to the structures of the villagers of Chapalavaripalle and Bandarupalle, from the observations in the earlier order of this Court dated 10.10.2001 in W.P.No.23159 of 2000.

Having regard to the above, the Writ petition is disposed of giving liberty to the petitioners to submit a representation within one month from the date of receipt of copy of this order and the respondent Authorities shall consider for their any entitlement. Needless to say, the petitioners are not entitled to file another writ petition, for the Court cannot decide the disputed questions of fact, but for, if at all to file any civil suit for their any entitlement by complying with Section 80 of the Code of Civil Procedure, in the event of representation not properly considered or aggrieved otherwise.

Consequently, miscellaneous petitions, if any, pending shall stand closed. No costs.

Dr. B.SIVA SANKARA RAO J,

Date:24.07.2017
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THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

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DATE: 24.07.2017



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