

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.4311 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring inaction on the part of Respondents 2 to 5 on the petitioner's representation dt. 11.12.2016 submitted for either payment of compensation for utilized land of Ac. 1.50 cents out of Ac. 6.22 cents in Survey Number 42/1 of Thokapalli Revenue Village for the purpose of formation of road from Thokapalli to Bodireddypalli Village or alternatively return the land by removing the already formed road as illegal, irregular, irrational and violative of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Andhra Pradesh Panchayatraj Act, 1994 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the Respondents to pay the petitioner's compensation for the said land or alternatively return his said land.”

2. According to the petitioner, he is the absolute owner, possessor and enjoyer of the land admeasuring Acres 6.11 cents covered by Survey No.42/1 of Manepalli Revenue Village in Pullalacheruvu Mandal of Prakasam District and the same is his ancestral property. It is stated in the writ

affidavit that the petitioner's father purchased the said property from One Repani Venkataiah, by way of a registered sale deed bearing document No.891 of 1951 for valuable consideration and according to the petitioner, after the death of his father, he took possession of the said land and has been cultivating the same, without there being any interruption. It is further stated that his name is also recorded in the Revenue records. It is further stated in the writ affidavit that in the first week of December, 2016, he went to the subject land and found a road in an extent of Acres 1.50 cents for the purpose of passage from Thokapally Village to Bodireddypalli Village. It is further stated that after enquiry, he came to know that the 2nd respondent formed that road and respondents 2 to 4 granted necessary funds for such formation. It is the complaint of the writ petitioner in the writ affidavit that the respondents did not acquire his land nor did pay compensation before taking over and utilizing such land nor respondents issued any notice requiring such land. It is further stated in the writ affidavit that the petitioner herein submitted a representation on 11.12.2016, requesting the respondents 2 to 4, either to return the land or to pay the compensation and no action has been taken by the respondents so far.

3. When the matter is called, it is submitted by the learned counsel for the petitioner that for redressal of the grievance of

the petitioner, petitioner herein submitted a representation dated 11.12.2016, but no action has been taken by the respondents herein.

4. Having heard the submissions of the learned counsel for the petitioner, this Court is of the considered opinion that the ends of justice would be served, if the respondents 2 to 4 are directed to take appropriate action on the representation dated 11.12.2016, in accordance with law.

5. For the aforesaid reasons, this writ petition is disposed of, directing the respondents 2 to 4 to take appropriate action on the representation dated 11.12.2016, said to have been submitted by the petitioner herein, in accordance with law, as expeditiously as possible.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

22.02.2017
SS

A.V.SESHA SAI, J