

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.21645 of 2008

ORDER:

Heard Mr. P. Narahari Babu for petitioner and the learned Assistant Government Pleader (Land Acquisition) for Respondents 1 to 3. No representation for 4th respondent.

2. The petitioner prays for *mandamus* declaring the action of Respondents 1 to 3 in disbursing the compensation to 4th respondent for acquiring or resuming the land in an extent of Ac.2.40 cents in Sy.No.60-2 of Arumakulapalli H/o Tekulodu, Chilamathur Mandal, Ananthapur District, as illegal, arbitrary and unconstitutional.

3. The petitioner claims to be the assignee vide assignment No.DAR.Dis No.19/406/A2 dated 25.06.1998. According to petitioner, he continues to be the owner or assignee of petition land. The respondents, have taken decision to acquire subject land, should have paid compensation to petitioner but compensation is paid to 4th respondent, without right or entitlement. Hence, the writ petition.

4. This court on 18.11.2008 extended the interim order granted on 30.09.2008 until further orders. The interim order is subsisting as on date. The respondents 1 to 3 filed petition to vacate the interim order dated 30.09.2008. In the counter-affidavit filed by 2nd respondent, it is stated that through proceedings Rc.No.47/1415 dated 26.05.2006, the assignment of petitioner was cancelled and land resumed to Government. Thereafter, on 25.06.2006 assignment in favour of 4th respondent was made. The acquisition, since is in the year 2008, the compensation is considered and paid to 4th respondent. Mr. Narahari Babu, after taking note of the proceedings Rc.No.47/1415 dated 26.05.2006, seeks liberty of the court to file an appeal or comprehensive petition for consideration, and further requests the court to direct 2nd

respondent to consider and pass orders after hearing petitioner and 4th respondent.

5. I have taken note of the objection raised in the counter-affidavit and also the submission of Mr. Narahari Babu. This court, having regard to alternative submission, considers it appropriate to dispose of the writ petition by this order.

(a) The petitioner is permitted, by enclosing a copy of this order, to file an appeal/ petition before the Revenue Divisional Officer/ 2nd respondent against resumption and/ or assignment in favour of 4th respondent, within six weeks from today.

(b) The Revenue Divisional Officer/ 2nd respondent is directed to take the appeal/ petition on file, issue notice to 4th respondent as well, call for records from the office of the 3rd respondent and dispose of the appeal/ petition of petitioner, within three months from the date of filing of appeal/ petition as permitted by this court.

(c) The parties are directed to maintain interim order granted by this court for a period of four months from today.

(d) The writ petitioner if does not file appeal/ petition as permitted by this court, the interim order shall stand discharged after expiry of the time granted by this order.

6. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 10.08.2017
BSS

S.V.BHATT, J

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