

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.1693 of 2016

ORDER:

Heard the learned, counsel for the petitioners and Sri P.Bhaskar, learned counsel, appearing for 6th respondent.

2. Petitioners have filed this Writ Petition seeking compensation alleging that they were assigned house sites by the State Government in their own names or in the names of their wives and they are deprived of the same without following due process of law. It is not in dispute that the State Government sanctioned broad gauge railway line from Obulavaripalle of Kadapa District to Krishnapatnam port of SPSR Nellore District and that this railway line would pass through the lands assigned to the petitioners/their spouses.

3. Petitioners contend that in view of the fact that they would be deprived of these house sites, they would be entitled to compensation at market rate in view of the judgment of the Larger Bench of this Court in **Land Acquisition Officer-cum-Revenue Divisional Officer and others etc. Vs. Mekala Pandu and others¹**.

4. Learned Government Pleader for Land Acquisition appearing for respondents states that though house sites were assigned to the petitioners, they did not make any constructions therein. This is disputed by counsel for petitioners. The Government Pleader

¹ AIR 2004 A.P. 250

however admits that no exgratia or compensation as per the above judgment of this Court was paid to the petitioners.

5. Sri P.Bhaskar, learned counsel, appearing for Rail Vikas Nigam Limited, which was impleaded as party in the Writ Petition, states that the said Corporation had requisitioned thousand acres for this railway line project and had deposited Rs.76.20 crores before the District Collector, Nellore for the purpose of payment of compensation to the persons who would lose their lands and that amount of Rs.19.91 crores is still lying with the District Collector for payment of compensation. It is further stated that the said Corporation has assured the District Collector, Nellore that if any further funds are required, they would be ready and willing to deposit the said amount.

6. In view of the fact that petitioners have been deprived of the lands assigned to them by the State Government for the purpose of laying the above railway line by the Rail Vikas Nigam Limited, and since they have not been paid any compensation as per the judgment of this Court in the above decision, the Writ Petition is disposed of directing the respondents to forthwith take steps to pay compensation to the petitioners or the petitioner's spouses for whom the State had assigned house sites in 1996 as per the above decision of this Court, if necessary, by taking appropriate steps under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within four months from the date of

receipt of a copy of this order. The question whether the petitioners are entitled to payment of compensation for structures allegedly erected by them would depend upon the fact whether said structures existed at the time when possession of the said land was taken and the said issue will also be considered by the competent authority while deciding the quantum of compensation which the petitioners would be entitled to. No costs.

7. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

Date: 07-07-2017
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JUSTICE M.S.RAMACHANDRA RAO

