

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4498 OF 2006

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Land Acquisition and Sri V.V. Narasimha Rao, the learned counsel for the respondents 3 and 4.

2) The Writ Petitioner and the respondents 2 to 4 are interrelated and same family members. It is not in dispute that the land belongs to the petitioners' family was acquired and petitioner claimed 1/4th of the amount as compensation payable to him with respect to the land an extent of Ac.6-20 cents, which was subject matter of the acquisition, in Sy.No.153 of Narva Village and Mandal.

3) The contention of the petitioner is that neither in the land acquisition proceedings nor in the award the petitioner was shown as person interested and in spite of his objections the compensation was sought to be paid to the respondents 2 to 4. This Court admitted the Writ Petition on 07.03.2006 and passed interim order on the same day. Thereafter, counter affidavit has been filed by the 1st respondent. In the counter affidavit it has been asserted that there was a partition between the petitioner and his other brothers and the property, which was acquired, was exclusive property of respondents 2 to 4 as evidenced by the revenue records including the Pattadar Pass Books. As the petitioner failed to place *prima facie* material before the Land Acquisition Officer with respect to the land under acquisition, which according to the respondents 2 to 4 fell to their share in partition affected 20 years prior to the date of acquisition, Land Acquisition Officer rejected the claim of the petitioner. In the counter affidavit it is further stated that the compensation amount

was paid to the respondents 3 and 4 on 07.03.2006 by issuance of cheques.

4) In the circumstances, as the amount has already been paid to the respondents 3 and 4, there is no requirement of any reference being made under Section 30 of the Land Acquisition Act, 1894. However, it is open for the petitioner to avail the appropriate remedy of seeking recovery of his portion of money, if he is otherwise entitled to, by approaching the appropriate Civil Court.

5) Accordingly, the Writ Petition is closed. There shall be no order as to costs.

6) Consequently, the Miscellaneous Petitions, if any pending, shall also stand closed.

CHALLA KODANDA RAM, J

Date:06.06.2017.
Ssv

