

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.26006 of 2005

ORDER:

Heard Sri A.Sudershan Reddy, learned counsel for the petitioner, learned Government Pleader for Land Acquisition for 1st respondent and learned Government Pleader for Revenue for respondent Nos.2 to 4.

2. This Writ Petition is filed by the petitioner challenging the action of the respondents in not paying the compensation to him for land admeasuring Ac.5.18 gts in Sy. No.25 of Gollapalli Kalan village, Shamshabad Mandal, Ranga Reddy District, which had been acquired for the purpose of International Airport by Notification dt.04-01-2000 issued under the Land Acquisition Act, 1894.

3. Learned counsel for the petitioner contends that petitioner's father had been issued a patta under Section 5 (5) of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1967 (for brevity 'the Act') and that mutation of the petitioner's name has not been made in the revenue record and no pattedar passbook and title deed is issued in his favour. He contends that petitioner's name was not shown in the Notification issued by the respondents acquiring the said land and he is entitled for compensation for the same.

4. Counter affidavit is filed by the respondents stating that as per revenue records, the land does not belong to the petitioner but

belongs to one M.Ranga Reddy and others and that an award had been passed under Section 11 (2) of the Act and compensation has also been paid to the said persons. It is contended that petitioner did not file any claim before the Land Acquisition Officer during the process of land acquisition proceedings and he filed W.P.No.17029 of 2005 questioning the acquisition which was dismissed on 03-08-2005. The Patta Certificate relied upon by the petitioner is also disputed and it is pointed out that the statute under which the Patta Certificate issued was struck down, and all actions taken under the said statute are deemed to have been not at all taken vide executive instructions issued by Government in G.O.Ms.No.1159 Revenue (F) Department dt.29-10-1976. It is also denied that the petitioner and his father were ever in possession of the said land.

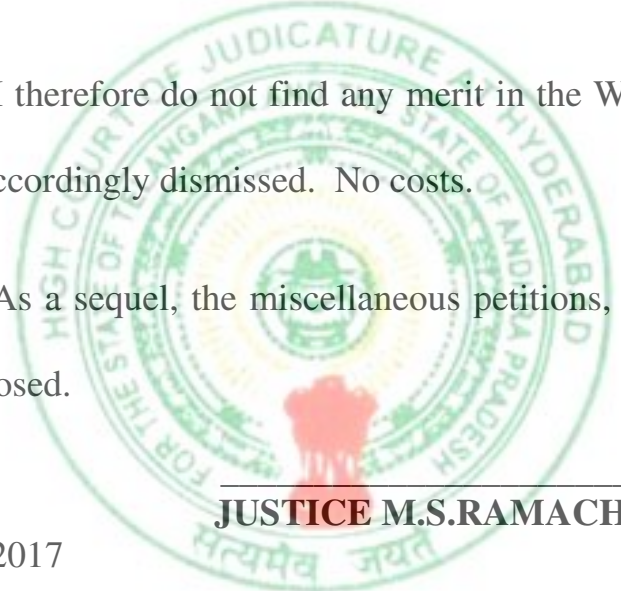
5. No reply affidavit has been filed by the petitioner refuting contentions in the counter affidavit.

6. Since the primary basis for the petitioner's claim for compensation is the Patta Certificate issued to the petitioner's father on 14-11-1969, it is incumbent on the petitioner to explain why no mutation and pattadar pass book and title deed were obtained by the petitioner from 1969 to the year 2000 when the land was notified for acquisition. He also ought to explain why he did not make any claim for compensation in the land acquisition proceedings and allowed other parties to take compensation for the land.

7. Therefore, it cannot be said that the petitioner is entitled to any compensation particularly when the very patta issued to the petitioner's father appears to be doubtful and the petitioner and his father were never in possession of the land as per entries in revenue and settlement record. The Certificate issued by the Andhra Bank stating that it had issued a loan to the petitioner on mortgaging of the said property cannot be taken as evidence of the petitioner or his father enjoying the said land. Therefore, I do not intend to place any reliance on the said document.

8. I therefore do not find any merit in the Writ Petition and the same is accordingly dismissed. No costs.

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



JUSTICE M.S.RAMACHANDRA RAO

Date: 10-10-2017
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