

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.27336 of 2011

ORDER:

Heard Mr B.Chinnapa Reddy for petitioners and the Assistant Government Pleader for Land Acquisition.

The averments in brief are that the 1st petitioner owns and possesses an extent of Ac.0-95 cents in Sy.No.229/42-1A1 of Rajupalem Village and Mandal, Guntur District. Likewise, 2nd and 3rd petitioners own and possess Ac.0-95 cents and Ac.1-89 cents in Sy.No.229/42-1A1 respectively. The petitioners aver that the respondents with a view to acquiring the land for residential purposes as part of implementation of Rehabilitation and Resettlement of persons affected in Pulichintala Project, are contemplating to take possession of the land and allot to beneficiaries without recourse to law. The petitioners to evidence ownership and possession have filed sale deeds, pattadar passbooks and Adangals.

Briefly stated, the grievance of petitioners is that except by recourse to law neither ownership nor possession of petitioners for any purpose, much less for providing house sites to persons covered by Rehabilitation and Resettlement package can be undertaken.

From the above narration, it is clear that the controversy is in a very narrow sphere.

On 17.10.2011, this Court granted the following interim direction:

“The respondents are directed not to interfere with the possession of the petitioners in respect of the land in question without following due process of law.”

On 02.11.2011, since the respondents failed to respond, the interim order has been made absolute, which reads as follows:

“In view of the interim order dated 17.10.2011, no further orders need be passed at this stage. This order however shall not preclude the respondents from moving an application for vacating the interim order.”

The prayer is one of not to dispossess except in accordance with law. This Court does not wish to go into facts in issue or circumstances either with reference to subdivision, classification etc., in the present writ petition. To meet ends of justice, the writ petition is disposed of by this order.

Paragraphs 5 to 6 of the counter affidavit reads as follows:

“5. In reply to the averments made in para 3 of the petitioners affidavit, it is submitted that the petitioners names are not found in the Adangals of

Rajupalem Village. The Land Acquisition Proceedings were initiated on the basis of entries available in the Village Adangals. The Revenue Records i.e., Adangal disclosed the name of Kannaganti Ramaiah who is the vendor of the Respondents 9 and 10 as owner of the land Ac.10.82 cts in Sy.No.229/42-1A1. Hence the names of the respondents 9 and 10 were published in the Draft Notification. The Petitioners names were not found in the Revenue Records i.e., Adangals of Rajupalem Village.

6. In reply to the averments made in para 4 of the petitioners affidavit, it is submitted that an extent of Ac.9.07 cts in Sy.No.229/42-1A1 belonging to Respondents 9 and 10 was acquired vide Award No.9/2009 dated 02.01.2009. The possession of the land was taken from Respondents 9 and 10 after making payment of compensation to them.”

From the above, it is clear that identification of property claimed and possessed by petitioners through sale deeds and the land already acquired by the Department is to be identified and separated. Therefore, the 5th respondent can be directed to examine the grievance, the title deeds on which the petitioners are relying upon and also the land acquisition proceedings and Award No.9 of 2009 dated 02.01.2009, identify the property claimed by petitioners and the property acquired by the Government, communicate the order to petitioners within the time stipulated by this Court.

The interim order granted on 17.10.2011 is directed to be continued for a period of three (03) months from the date of receipt of copy of this order. To ensure fairness and confirm to principles of natural justice, the Revenue Divisional Officer/5th respondent gives opportunity to petitioners by way of notice while enquiring into the grievance of petitioners. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 10.10.2017
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S. V. BHATT, J

