

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22051 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“....to issue a Writ, one in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order declaring the inaction on the part of action of the Respondents 2 and 3 in not paying monetary compensation to petitioner for acquisition of petitioner's agriculture land admeasuring an extent of Ac.1.50 Cents in Sy.Nos.442/3 of Vikrutamala (v), Yerpedu (m), Chittoor District as illegal, irregular, irrational, without jurisdiction and violative of Articles 14, 21 and 300-A of constitution of India and consequently direct the Respondents 2 and 3 to pay adequate monetary compensation to the petitioner for acquisition of petitioner's land admeasuring an extent of Ac. 1.50 Cents in Sy.Nos.442/3 of Vikrutamala (v), Yerpedu (m), Chittoor District as contemplated under Land Acquisition Act, 1894 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and also learned Government Pleader for Land Acquisition appearing for respondents 1 to 4 before ordering notice to respondent No.5 and perused the prayer in the writ petition with supporting affidavit and other material on record.

It is the contention of the petitioner that the lands admeasuring Ac.2.06 cents in Sy.No.436-1 and Ac.1.50 cents in Sy.No.442-3 are the patta lands. So far as the land admeasuring Ac.2.06 cents in Sy.No.436-1 is concerned, it was resumed by payment of compensation and so far as Ac.1.50 cents in Sy.No.442-3, respondent No.5 claiming as if he got right and respondents 2 and 3 are trying to pay compensation to respondent No.5 and not paying the compensation, despite the petitioner is entitled. It is also the submission that respondent No.4-Tahsildar, Yerpedu Mandal, by proceedings in RoC No.A/ /2017, dated 20.04.2017 addressed to respondent No.3-Sub-Collector, Tirupati, mentioning that the petitioner alone is entitled to the compensation for the land in

Sy.No.442-3 and respondent No.5 has no manner of right or possession over it. Despite the same, respondents 1 to 4 are considering respondent No.5 for compensation.

Learned Government Pleader submits that the respondent-Authorities will consider the proceedings of the Tahsildar, conduct enquiry by giving notice to respondent No.5 to file any proof of entitlement for compensation and pass appropriate orders, if time is fixed.

Having regard to the above, the Writ Petition is disposed of directing the petitioner to submit the proof in relation to the subject property in support of the proceedings submitted by the Tahsildar also for his entitlement and respondents 1 to 4, if necessary, by giving show cause notice to respondent No.5 also and conduct enquiry and the petitioner is permitted to submit a fresh representation within one week from the date of receipt of copy of this order and the respondent-Authorities shall pass appropriate orders of any entitlement of petitioner within six weeks thereafter, in view of the fact that the petitioner already paid compensation for another extent of land covered by pattadar passbook and title deed issued in his favour earlier for the land admeasuring Ac.2.06 cents in Sy.No.436-1.

With the above directions and observations, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

Dr. B. SIVA SANKARA RAO, J

Date:13-07-2017

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