

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.19260 OF 2017

ORDER

Heard learned counsel appearing for the petitioners and learned Government Pleader appearing for the respondents.

The petitioners claim that they are permanent residents of Pudicherla Village, Orvakal Mandal, Kurnool District. In the year 2010, the Government of Andhra Pradesh assigned small extents of lands in their favour *vide* proceedings dated 15.03.2010 and the particulars are mentioned as under:

S.No.	Name of the Petitioner	Sy.No.	Extent
1	Smt Kadumuru Lakshmi Devi	450/2	3-98
2	Smt Pujari Venkata Lakshamma	453	3-26
3	Smt Shajahan Bee	433/2	2-25
4	Smt Pinnapuram Yellamma	28/B3 28/B4	0-45 1-90

While so, their lands were resumed for establishment of Green Field Airport *vide* proceedings dated 27.01.2017. The petitioners expressed their consent for taking over the land at the market value of Rs.6,50,000/- per acre. Accordingly, an award was passed on 27.1.2017 awarding compensation @ Rc.6,50,000/- per acre. When only 50% of the compensation amount was paid, the present writ petition is filed.

A counter-affidavit is filed on behalf of the 3rd respondent, wherein acquisition of the land for establishment of Green Field Airport is not denied. With regard to payment of compensation for the assigned lands, it is stated that the Government of Andhra

Pradesh has constituted Negotiation Committee under the Chairmanship of Joint Collector, M.D BIACL, Revenue Divisional Officer, Convener and Chief General Manager Finance INCAP as members to acquire the land by negotiating with the land owners of patta lands and also assignees of Government lands. Out of Acs.78.69 cents of land, owners of Acs.54.65 cents of land were found eligible for payment of compensation and owners of Ac.11.41 cents of land was found ineligible for payment of compensation as the revenue records did not tally. The names of the petitioners have been recorded in the last 5 Faslis and Adangals. Though initially it was not recommended for payment of compensation, now it is recommended for payment of compensation basing on the records for an extent of Ac.11.84 cents under dry category. The petitioners are eligible for half of the land compensation in terms of G.O.Ms.571, Revenue (Assignment-I) Department, dated 14.09.2012. Since the names of the petitioners were recorded for the last five years, they are eligible only for 50% of the compensation.

Learned counsel appearing for the petitioners submits that relevant G.O. applicable to the petitioners is G.O.Ms.No.259, dated 21.06.2016, but not G.O.Ms.No.571, Revenue (Assignment-I) Department, dated 14.09.2012, on which reliance is placed by the respondents.

The Government issued G.O.Ms.No.259, dated 21.06.2016, as the earlier GO needs to be revised in view of the commencement of Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013. Paragraph

No.4 (ii) of the said G.O. reads as under:

“4.Accordingly, Government after careful examination of the issue and in super session of the orders issued in the G.O.Ms.No.1307, Revenue (Assn.I) Department, dt.23.12.1993, issue the following orders:

(i) Whenever the assigned lands are required for a public purpose for a project or for alienation to a Government Department or Corporation, the lands shall be resumed as per conditions of patta.

(ii) The compensation for the resumed assigned lands shall be paid on par with patta lands as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other L.A Act in force in the State.”

Paragraph No.4 (ii) is very clear with regard to payment of compensation.

In view of the same, the Writ Petition is allowed directing the respondents to pay compensation to the petitioners as per G.O.Ms.No.259, dated 21.06.2016 within three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

18th September, 2017
rkk