

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.23833 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents more particularly the action of Respondents Nos.3 and 4 in not considering petitioner representation dated 07.07.2017 and proceeding further with the process of disbursement of compensation to Respondent No.5 as wholly illegal, arbitrary, violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the Respondents to consider petitioner representation dated 07.07.2017 and stop the disbursement of compensation to respondent No.5 in respect of acquisition of land to an extent of Ac.4-00 gts in Sy.No.809/D of Polepally village, Jadcherla Mandal, Mahabubnagar District with regard to Udandapur Balancing Reservoir under Palamoor-Ranga Reddy Lift Irrigation project, in the interest of Justice.”

2. Heard learned counsel for the petitioner, before ordering notice to the unofficial respondents 5 to 11 and the learned Government Pleader for Land Acquisition on behalf of respondents 1 to 4, from oral instructions and perused the prayer in the writ petition with supporting affidavit.

3. It is the submission that the land in question is the assigned land of the petitioner's father – 6th respondent and 5th respondent herein, no other than one of the sisters of the petitioner and daughter of 6th respondent, under the pretence of 6th respondent executed a registered gift deed, vide document No.7081 of 2008,

dated 19.12.2008, claiming compensation for the land of Acres 4.00 cents in Survey No.809/D of Polepalli Village, Jadcherla Mandal, Mahabubnagar District, behind the back of the petitioner and others and the respondents 1 to 4 are trying to consider the same. It is the further submission that the land in question is an assigned land, covered by the A.P. Act 1977 and an assigned land is unalienable and any transfer by virtue of the provisions of the Act are void *per se* including the so-called gift under which no rights created to enforce much less for the respondents 1 to 4 to act upon said statutorily void gift, to ignore the payment of compensation to the rightful owner 6th respondent i.e., G.Jangaiah, for inturn to get the benefit from 6th respondent by petitioner as one of the son along with others.

4. Having regard to the above, this writ petition is disposed of, giving liberty to the petitioner to make a representation in writing with documentary proof showing the land belongs to G.Jangaiah and Jangaiah alone is entitled to compensation for the respondents to consider with reference to the Act 1977 and determine and pass appropriate orders before passing of award and payment of compensation.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

26.07.2017
SS