

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.10933 OF 2017

ORDER:

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

“to issue a Writ, order or direction, more particularly a Writ of Mandamus, declaring inaction of the respondent authorities in paying compensation for acquisition of the petitioner's land to an extent of Ac. 0.62 cents covered by R.S.No. 24-1F1 of T. Narsapuram Village and Mandal, West Godavari District, as arbitrary, illegal, biased, unconstitutional and violative of the provisions of the Land Acquisition Act, 1894, as amended from time to time, and consequently, direct the respondent authorities to pay compensation as per law to the petitioner in respect of the land to an extent of Ac.0.62 cents covered by R.S.No. 24-1F1 of T. Narsapuram Village and Mandal, West Godavari District.”

2. Heard the learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition appearing for the respondents.

3. According to the petitioner, he is an agriculturist by avocation. He owned an extent of Ac.0.62 cents covered by R.S.No.24-1F1 of T.Narsapuram Mandal and the same was acquired by the respondents herein during the year 1989 for the purpose of digging left canal of Sri Nandamuri Vijayasagar Project. It is further stated in the writ affidavit that the respondent authorities did neither initiate any land acquisition proceedings nor paid compensation in respect of the subject land.

4. When the matter is called, the instructions furnished by the Tahsildar-TNSP-WG to the learned Government Pleader vide Roc.No.e-506470/522/2016/DT, dated 25.03.2017, have been placed on record by the learned Government Pleader and the last two paragraphs of the said letter read as under:

“I further submit, that the petitioner has filed a representation on 05.12.2016 during Meekosam i.e., Grievance day being conducted on every Monday, with a request to grant land compensation for an extent of Ac.0.62 Cts., on the acquisition proceedings made during 1998-99, so after lapse of 19 years he made a representation to this office in the matter, however, a correspondence has been made on the representation of the petitioner and as per the directions of the Revenue Divisional Officer, Eluru, vide Lr.No.E.Office No.529257/2017, Dated 04.02.2017, proposed a joint inspection along with Water Resources Dept., on the field for initiating necessary Land Acquisition process as per rules.

In view of the above, I submit that, necessary action is being taken in the matter and submit that the above facts may kindly be apprized to the Hon'ble High Court to dispose the case at admission stage.”

5. The information available before this Court discloses that as long back as in the year 1998, the Revenue Divisional Officer, Eluru, addressed a letter vide Roc.No.2212/98 (D), 24.10.1998 requesting the Mandal Revenue Officer, T.Narsapuram, to send D.N. in respect of the subject property. The Revenue Divisional Officer, subsequently, reiterated the said request vide Roc.No.2212/98 (D), dated 11.02.1999. On a representation submitted by the petitioner herein during “Meekosam” before the District Collector, West Godavari District, Eluru, the Tahsildar,

vide Roc.No.e-506470/522/2016/DT, dated 28.12.2016, made a request to the Revenue Divisional Officer, Eluru, soliciting the necessary instructions in the matter.

6. In the considered opinion of this Court, it is an unfortunate case where the respondent herein did not pay any compensation, despite lapse of considerable length of time, to the petitioner herein.

7. For the aforesaid reasons and keeping in view the correspondence noted above, the Writ Petition is disposed of, directing the respondents herein to pay the compensation to the petitioner herein by initiating the proceedings under Land Acquisition Act 30 of 2013, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

APRIL 25, 2017

YVL

THE HON'BLE SRI JUSTICE A.V. SESA SAI



WRIT PETITION No.10933 OF 2017

Date: 25.04.2017

YVL