

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 24637 of 2017

Order:

Heard learned counsel for the petitioners, learned Government Pleader for the respondents 1 to 5 and learned counsel for the respondents 6 to 24.

The petitioners 1 and 2 claim that they are the sons of one late Venkata Narasaiah and the third petitioner is the son of their elder brother late Venkata Narayana and grand son of Venkata Narasaiah. They state that they are the absolute owners of an extent of Ac.38.34 gts., situated in Survey Nos.491, 492, 493, 494, 495, 496, 497, 498, 479 and 521 of Aswapuram village, Burgampahad Mandal, Bhadradi Kothagudem District. They claim that the said property is their ancestral property. The lands were notified for the purpose of 'Seetharama Lift Irrigation Project' under notification dated 14.04.2017. The petitioners also state that out of the total extent of Ac.38.34 gts., an extent of Ac.9.01 gts., was donated by their father to the local Tribals. It is also their case that though their father entered into some sale agreements with some persons, no sale deeds were executed by their father, but the respondents 6 to 24 are stated to be in occupation of the lands. In the notification issued for acquisition of the land, though the names of the petitioners were shown as pattadars, the names of the respondents 6 to 24 are shown as enjoyers. In those circumstances, the present Writ Petition is filed challenging the action of the respondents 1 to 4 in issuing the declaration showing the names of respondents 6 to 24 as enjoyers in respect of the land owned and possessed by the petitioners.

Learned counsel appearing for the respondents 6 to 24 submits that the respondents 6 to 24 purchased the land from the predecessors in interest of the petitioners and they are having pattadar passbooks and title deeds in their favour.

It is stated by the learned Government Pleader that the award enquiry is not yet concluded.

In the circumstances, it is open to the petitioners and respondents 6 to 24 to appear before the Land Acquisition Officer and claim their right to receive compensation. If the Land Acquisition Officer does not come to a conclusive opinion with regard to title of the parties, it is open to him to take appropriate proceedings in accordance with the Act 30 of 2013 for referring the matter to the competent authority by depositing the amount of compensation.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

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A. RAMALINGESWARA RAO, J

Date: 06.09.2017  
Nsr