

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

WRIT PETITION No.12036 OF 2017

ORDER:

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

“declaring the action of the Respondents 1 to 5 in not considering the objections raised by the petitioner and taking steps for passing award under Rehabilitation Special Package under Galeru Nagari Sujala Sravanthi Project in favour of the 6th respondent alone in respect of the lands admeasuring Ac.8.27 cents in 184/1, 184/2, 211/1, 211/2, 183/2, 210/2 of K.Venkatapuram Village, Kondapuram Mandal, YSR District, as illegal, irregular, unconstitutional.”

2. Heard Sri Karri Murali Krishna, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition appearing for the respondents.

3. The grievance of the petitioner in the present writ petition is the alleged non-consideration of the objections raised by the petitioner and the action of the respondents in taking steps for passing the Award under Rehabilitation package under Galeru Nagari Sujala Sravanthi Project in favour of the 6th respondent alone.

4. It is stated in the affidavit filed in support of the petition, that the petitioner herein is the second daughter of the 6th respondent and she was given in marriage to one Sri K.Ramanjaneya Reddy of Ragadapalli Village, Kondapuram Mandal, YSR Kadapa District. The petitioner herein is the physically handicapped woman and she has two sisters namely

Annapurna and Lakshmi Narasamma. The 6th respondent does not have any male issues. It is further stated that the petitioner's father has ancestral property of Ac.14.00 cents in survey Nos.182/1, 183/1, 183/2, 184/1, 184/2, 211/1, 211/2, 210/1, 210/2 of Venkatapuram Village, Kondapuram Mandal, YSR Kadapa District. It is further averred in the writ affidavit that the 6th respondent divided his ancestral properties to his three daughters, while keeping aside certain extent of property on his name. It is further stated that through relinquishment deed, dated 11.11.2003, the petitioner's elder sister relinquished her share of property in favour of the petitioner with a condition that the petitioner herein get the rights over the said property also. It is also stated that through the relinquishment deed, dated 10.05.2004, the 6th respondent has also relinquished his rights in favour of the petitioner herein and therefore, she acquired right and possession over survey Nos.184/1, 184/2, 211/1, 211/2, 183/2, 210/2 to an extent of Ac.8.27 cents in Venkatapuram Village, Kondapuram Mandal, YSR Kadapa District. It is further stated that the authorities also issued pattadar passbook and title deeds by mutating the name of the petitioner herein in the revenue records. The patta number was also given to the petitioner as 169 for the said land.

The 2nd respondent herein issued a Preliminary Notification on 06.01.2017 under Act 30 of 2013 for the purpose of acquiring the subject land for construction of Rehabilitation Centre for the displaced persons under the Galeru Nagari Sujala Sravanthi Project, by inviting objections for the proposed acquisition.

5. According to the petitioner herein, she submitted objections in response to the said notification. In the said objections /representation, the petitioner stated that her father has no right whatsoever in the land shows in the notification.

6. When the matter is taken up today, written instructions, bearing Rcf. No.A/1057/2016, dated 10.04.2017, furnished by the Revenue Divisional Officer, Jammalamadugu, to the Office of the Government Pleader, Hyderabad, have been placed on record by learned Government Pleader. In the said instructions, it is stated that the petitioner's name will be considered to enter in the declaration and also the request of the petitioner will be considered after completion of enquiry with regard to the land in question and the title over the land will be confirmed at the time of award enquiry and without confirmation of the title over the land in question, the compensation will not be paid either to the petitioner or to respondent No.6. It is further stated that the present acquisition process is only at preliminary notification stage and at this juncture the request of the petitioner cannot be considered. The title over the land in question will be confirmed only after completion of the award enquiry only.

7. Admittedly, in the present matter, neither the 19-declaration has been issued so far nor the respondents have commenced the award enquiry. As the petitioner herein has interest and right over the subject property, it is open for the petitioner herein to submit objections/representation at the time of award enquiry. If any, such objections/representation are filed at the time of award enquiry, it is incumbent on the part of the respondent authorities

to consider the same, in accordance with law and take appropriate action.

8. With the above observation, the Writ Petition is disposed of. 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 20, 2017

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Date: 20.04.2017

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