

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17529 OF 2017

ORDER:

Heard learned counsel for the Writ Petitioner and also the learned Govt.Pleader for Land Acquisition, Andhra Pradesh representing respondents 1 to 3 before admission and perused the material on record.

The Writ Petition before admission can be disposed of for the following reasons.

The prayer in the Writ Petition reads as follows:-

“.....to issue a Writ, Order or direction more in the nature of Mandamus declaring the action of the respondents in not providing alternate land to an extent of Ac.6-10gts. In spite of making representations on 29.04.2017 and 04.05.2017 is illegal, arbitrary and in violation of Articles 19,21 and 300(A) of the Constitution of India and contrary to the policy of the Government under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently declare that the petitioner is entitled for alternate land to an extent of acres 6-10gts. and compensation amounts for the remaining extent of land duly including acres 1-20gts. in Sy.No.29 situated at kacharam village, Velairpadu Mandal of West Godavari District along with Acres 5-60 gts. and to pass such other orders....”

The averments in the Writ Petition vis-à-vis the representation of the petitioner addressed to the 1st respondent dt.04.05.2017 sent by Registered Post covered by acknowledgment of the office of the District Collector on 05.05.2017 show that the petitioner besides owner of the lands of Ac.5.60guntas being the

pattadar covered by the acquisition proceedings initiated, also owner of land in Sy.No.10 for an extent of Ac.1-20guntas out of the total extent of Ac.4-11guntas which he purchased from the vendor by name Singiraju etc., vide registered sale deed bearing No.255, dt. 20.06.1970, and the same is not included in his Holdings and had it been, instead of compensation, he is entitled to the alternative land which is prayer in the representation and said representation is pending without disposal thereby seeking relief.

As submitted by the learned Govt. Pleader for land Acquisition on behalf of the respondents, the representation if at all pending, the entitlement is to be considered pursuant to the sale deed besides enjoyment and if necessary by enquiring with the so called vendors also and the questioning in the writ petition of not providing the alternative land is premature without disposal of the representation. Thereby the Writ Petition prayer is premature and writ petition is liable to be dismissed.

In view of the same, as representation already made and pending that is required to be considered, the Writ Petition is disposed of, without any further rights of the petitioner to work out after appropriate enquiry and on merits, within four (4) weeks from the date of receipt of the order.

Dr. B. SIVA SANKARA RAO, J

Dt.02.06.2017
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