

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.12303 of 2012

ORDER:

1. This writ petition is filed by the petitioner challenging the memo dated 28.2.2012 issued by the 1st respondent-Special Collector (Land Acquisition) directing the Inspector of Survey to re-survey the land admeasuring Ac.3.19 guntas in Sy.No.336 and Ac.0.15 guntas in Sy.No.353 of Vempalli Village, Balakonda Mandal, Nizamabad District.

2. The petitioner purchased the subject land in the year 1983. Pattadar pass books and title deeds were also issued in favour of the petitioner. Subsequently, the subject land was taken for excavation of flood flow canal of SRSP. The 1st respondent fixed the compensation for the subject land and directed the 2nd respondent to pass an award under Section 11(2) of the Land Acquisition Act, vide proceedings dated 18.2.2012. While so, the 1st respondent issued the impugned memo, on the basis of the complaint lodged by the 6th respondent. It is the case of the petitioner that after survey of the land and the settlement arrived at between the villagers and the authorities concerned, an order was passed fixing the compensation and the same was communicated to the authorities concerned by letter dated 18.2.2012. The 2nd respondent was directed to pass an award under Section 11(2) of the Land Acquisition Act, 1994 as per the compromise entered into between the official respondents and the petitioner herein. Now, the issuance of the memo impugned for resurvey of the land in question is illegal and arbitrary.

3. When this matter has been taken up, it is informed on behalf of the 6th respondent that the 6th respondent never lodged any complaint against the petitioner as alleged and that the allegation that resurvey was ordered

by the authorities basing on the complaint lodged by the 6th respondent is totally false.

4. Heard and perused the material available on record.

5. Even though the present writ petition was filed in the year 2012, none of the respondents has filed counter so far. No interim order was passed by this Court earlier in this writ petition. The order of re-survey was passed on 28.2.2012.

6. The learned Counsel for the petitioner submitted that no such re-survey was conducted by the authorities concerned as directed by the Special Collector (Land Acquisition).

7. The order dated 18.2.2012 passed by the 1st respondent directing the 2nd respondent to pass award under Section 11 (2) of the Land Acquisition Act is in existence. In the circumstances, this Court is inclined to pass the following order:

“The 2nd respondent herein is directed to pass award as directed by the 1st respondent vide order dated 18.2.2012 and pay the compensation as agreed between the petitioner and the official respondents, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.”

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Dated: 6.2.2017.

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6.2.2017

Nn

