

HON'BLE SRI JUSTICE S.V. BHATT

W.P.Nos.16274, 16215, 16354, 16384, 16568, 16592, 17784, 17851, 18020, 7102, 11326, 11298, 12254, 8612, 8967, 15198, 14582, 14708, 7143, 9620, 23253, 4753 & 16355 OF 2017, 34737, 35977, 39975, 29232, 25406, 25404, 23874, 21023, 29314, 36933, 26102 & 26051 OF 2015, 40967, 2867, 22277, 39725, 2683, 2694, 2704, 2706, 18974, 38885, 38726, 26462, 26486, 40969, 40977 & 45256 OF 2016

COMMON ORDER:

Heard Sri A.Sinath, Sri Virupaksha Dattatreya Gouda, Sri Balla Ravindranath, Sri A.Narasimha Rao, Sri K.R.Sinivas, Sri P.Nagendra Reddy and Sri V.Venugopala Rao for petitioners, learned Government Pleader for Assignment, Sri N.Shiva Reddy, learned Standing Counsel for A.P. Solar Power Corporation and learned Assistant Government Pleader for Energy.

The petitioners in the instant batch of writ petitions challenge proceedings RC.A 131/2014 dated 02.01.2015 issued by respondent No.4, as illegal, arbitrary and violative of the principles of natural justice. The proceedings impugned order resumption of assigned land for the alleged violation of conditions of assignment i.e., not cultivating the assigned land within the stipulated time. The operative portion of the impugned proceedings read thus:

“The Collector, Kurnool has directed to submit the Alienation proposals for an extent of 1648.92 acres for establishment of ‘ULTRA MEGA SOLAR PARKS’, at Gani Village of Gadivemula Mandal, Kurnool District in the reference 1<sup>st</sup> read above. On verification of assigned lands in Gani Village of Gadivemula Mandal it was brought to the notice of the Tahsildar, Gadivemula, the following Assignees have not brought their assigned land under cultivation since their assignment for DKT Land and violated condition 2 of the ‘D’ patta conditions.

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Notices have been issued to all the above Assignees for violation of 'D' Patta condition calling objection if any within 15 days from the date of receipt of the notice as to why the assigned lands shall not be resumed to the Government as the lands have not been brought under cultivation within the stipulated time. Notices have been served on the Assignees who are residing in the village and those assignees whose addresses are not known are affixed by planting sticks on the respective fields of the DKT lands.

In view of the notice no assignee neither personally nor filing any objection for resumption of the assigned lands which were violated the 'D' patta conditions. As no objections were filed, it is ordered to resume all the assigned lands shown above to the Government for public purpose.

The Village Revenue Officer, Gani/Mandal Revenue Inspector, Gadivemula is requested to see that necessary changes are incorporated in the Village and Mandal accounts and report compliance immediately.

The Mandal Surveyor, Gadivemula Mandal is hereby directed to incorporate necessary changes in the Village and Mandal Accounts of Gani Village and report compliance".

This Court, on 12.06.2017 after hearing all the counsel, directed respondent No.4 to produce the file in RC.A 131/2014 for perusal and consideration of the procedure followed by 4<sup>th</sup> respondent while cancelling the assignment and resuming assigned lands from petitioners. On 15.06.2007, Mr.K.Subba Rao, learned Government Pleader (Assignment), placed on record letter dated 13.06.2017 of the District Collector, Kurnool /2nd respondent. The 2<sup>nd</sup> respondent through the instant communication has informed the office of learned Government Pleader the in-principle decision taken by the Government to pay compensation to assigned lands which are the subject matter of batch of writ petitions. After hearing the counsel appearing for the parties, this

Court granted four weeks' time to respondents 2 and 3 to place before the Court the further steps taken in the matter of paying compensation for resuming assigned lands of petitioners. The Government Pleader places on record the communication Rc.B 7506/2016 dated 10.07.2017 addressed to 2<sup>nd</sup> respondent. The letter is taken on file. The operative portion of the letter reads thus:

"I further submit that in the reference 16<sup>th</sup> cited, the Collector, Kurnool has addressed the Government Pleader for Revenue Assignment High Court of A.P. Hyderabad and informed that the entire matter of resuming the A.W.Lands by the Tahsildar, Gadivemula Dated:03.01.2015 has been taken up for the settlement of the eligibility as per the Revenue Records.

In this connection, it is submitted that the requisition Department i.e Executive Engineer , APNREDGAP, Kurnool and Executive Engineer, APSPCL, Kurnool has to deposit the required funds before passing of the final orders.

**FUNDS REQUIRED FOR GENERAL AWARD CASES TO BE CONVERTED IN TO  
CONSENT AWARD IN 1<sup>ST</sup> PHASE.**

| Sl. No | Particulars                    | No.of Pattadars | No. | Classification of land | Consented Rate per Acre Rupees | Extent involved | Amount required (Appx.) (in Rupees) |
|--------|--------------------------------|-----------------|-----|------------------------|--------------------------------|-----------------|-------------------------------------|
| 1      | Not attended the award enquiry | 09              | 1   | Patta                  | 5,50,000                       | 1.52            | 8,36,000                            |
|        |                                |                 | 8   | DKTAW                  | 4,20,000                       | 22.89           | 96,13,800                           |
|        |                                | Total           | 9   |                        |                                | 24.41           | 1,04,49,800                         |

**FUNDS REQUIRED FOR GENERAL AWARD CASES TO BE CONVERTED INTO  
CONSENT AWARD IN 2nd PHASE.**

| Sl. No | Particulars                                                                                              | No.of Pattadars | No. | Classification of land | Consented Rate per Acre Rupees | Extent involved | Amount required (Appx.) (in Rupees) |
|--------|----------------------------------------------------------------------------------------------------------|-----------------|-----|------------------------|--------------------------------|-----------------|-------------------------------------|
| 1      | Civil Court Disputes pending at the High court, lower Court including title dispute among family members | 15              | 15  | Patta                  | 5,50,000                       | 50.33           | 2,76,81,500                         |

|   |                                                                             |    |    |       |          |        |             |
|---|-----------------------------------------------------------------------------|----|----|-------|----------|--------|-------------|
| 2 | Title dispute among family members and Villagers                            | 45 | 45 | DKTAW | 4,20,000 | 56.43  | 2,37,00,600 |
| 3 | POT cases                                                                   | 13 | 13 | DKTAW | 4,20,000 | 32.77  | 1,37,63,400 |
| 4 | Survey measurement and land Disputes (as per F.M.B Extent less but PPB more | 09 | 04 | DKTAW | 4,20,000 | 24.70  | 1,03,74,000 |
|   |                                                                             |    | 5  | DKTID | 5,45,000 | 13.70  | 74,66,500   |
|   | Total                                                                       | 91 | 91 |       |          | 202.34 | 9,34,35,800 |

**II. FUNDS REQUIRED FOR ASSIGNED & RESUMED LANDS CASES IN 1<sup>ST</sup> PHASE**

| Sl. No | Particulars                                                                                 | No.of Pattadar s | Classifica tion of land | Consente d Rate per Acre Rupees | Extent involve d Ac. | Amount required (Appx.) (in Rupees) |
|--------|---------------------------------------------------------------------------------------------|------------------|-------------------------|---------------------------------|----------------------|-------------------------------------|
| 1      | Assigned from 1961 to 1992.Assignme nt records not available. Recorded in old ROR and 10(1) | 82               | A.W.Dry                 | 4,20,000                        | 258.85               | 10,87,17,000                        |
| 2      | Assigned from 1999 to 2011 (Assignment records available)                                   | 76               | A.W.Dry                 | 4,20,000                        | 235.68               | 9,89,85,600                         |
| 3      | Assigned in VII phase in 2013 (Assignment records available)                                | 42               | A.W.Dry                 | 4,20,000                        | 105.52               | 4,43,18,400                         |
|        | Total                                                                                       | 200              |                         |                                 | 600.05               | 25,20,21,000                        |

**FUNDS REQUIRED FOR ASSIGNED & RESUMED LANDS CASES PLACED IN 2<sup>nd</sup> PHASE**

| Sl. N o | Particulars                      | No.of Pattadars | Classificati on of land | Consente d Rate per Acre Rupees | Extent involved Ac. | Amount required (Appx.) (in Rupees) |
|---------|----------------------------------|-----------------|-------------------------|---------------------------------|---------------------|-------------------------------------|
| 1       | Having only Pattadars pass Books | 186             | A.W.Dry                 | 4,20,000                        | 552.32              | 23,19,74,400                        |
| 2       | National Khata No's              | 46              | A.W.Dry                 | 4,20,000                        | 136.65              | 5,73,93,000                         |
| 3       | No records                       | 5               | A.W.Dry                 | 4,20,000                        | 10.25               | 43,05,000                           |
|         | Total                            | 237             |                         |                                 | 699.22              | 29,36,72,400                        |

**REQUIREMENT OF FUNDS**

| Sl.No | Particulars                                                | Amount required (in Crores) |
|-------|------------------------------------------------------------|-----------------------------|
| 1     | General Award ( extent Ac.202.34 cents)                    | Rs. 9.34                    |
| 2     | Resumed DKTAW Lands cases ( total extent Ac.1299.27 cents) | Rs. 54.56                   |
|       | Total                                                      | Rs. 63.90                   |

In view of the facts as explained above and to avoid further legal Complications in the matter I request the Collector, Kurnool to kindly address the requisition Department to deposit the probable amount of Rs. 63.90 Crores in favour of the Collector, Kurnool so as to enable this office to pay compensation to eligible Pattadars / Assignees.

Yours faithfully  
Sd/-  
Revenue Divisional Officer,  
Nandyal"

The 2<sup>nd</sup> and 3<sup>rd</sup> respondents through Government Pleader submit that the decision taken to pay compensation is adhered to and the time required for completing this exercise is about four months from the date of receipt of copy of this order. To facilitate expeditious consideration, disposal and payment of compensation, it is suggested by respondents 3 and 4 that the petitioners are directed to file representation for compensation, as noted above, so that the verification of claims is taken up quickly and completed. The counsel appearing for the petitioners report no objection for filing petitions together with all the documents in support of their claims.

Mr.Subba Rao alternatively contends that for such of the petitioners who are not agreeable for receiving compensation, the proceedings impugned in the batch can be challenged by filing



appeal under BSO and the appellate authority will consider all the objections and pass orders.

Having taken note of the statements made by the learned counsel and with their consent, the batch of writ petitions are disposed of by this order:

- (a) the petitioners are directed to file petition/representation before respondent Nos.3 and 4 claiming compensation as referred in the letter dated 10.07.2017, for resuming the assigned land from petitioners within eight weeks from today;
- (b) the petitioners shall state all the details and enclose true or xerox copies of all the documents in their possession in support of their claim for payment of compensation;
- (c) the petitioners shall further produce originals in the enquiry to be held by respondents 3 and 4, and also return the originals while receiving the compensation from the respondents for resuming the assigned land;
- (d) respondents 2 to 4 are directed to start enquiring each one of the claims expeditiously and meticulously, take all steps required for completion of enquiry and payment of compensation to each one of the petitioners as noted above within four months from the date of receipt of a copy of this order;
- (e) the petitioners/assignees who do not wish to take compensation from respondents are given liberty to file appeal under BSO against the impugned proceedings and work out their grievances, for this Court is of the view that the remedy of appeal, revision etc., under BSO is effective and compatible to

the nature of enquiry involved in the matter viz.,  
whether land is brought under cultivation or not etc.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

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S.V.BHATT, J

14<sup>th</sup> July, 2017

Note:

CC in two weeks.

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