

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37554 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.2 in not considering the representation dated 20.9.2017 made by the petitioner for allotment of house site admeasuring 280 Sq. yards in the layout prepared in respect of the land in Sy.No.93 situated at Kurmannapalem village, Vadlapudi Gram Panchayat, Visakhapatnam District in lieu of acquisition of the house site pursuant to Award No. 11/86, as being illegal, arbitrary and unjust and consequently, to direct the respondent authorities to forthwith allot the house plot in the layout prepared in the above said land.”

The submissions and grievance of the petitioner, in brief, are as under:

His mother by name, Molleti Kanaka Durgamma, purchased an extent of 280 square yards of site in Survey No.93, bearing Patta B.No.148 situated at Kurmannapalem Village, Vadlapudi Gram Panchayat, Visakhapatnam District. The said land was acquired by the Visakhapatnam Urban Development Authority (for short, “VUDA”). Thereafter, Award No.11 of 1986 in Rc.No.1634/84/RIIY was passed and the land was taken possession of, but no compensation was paid. The mother of the petitioner executed a Will, dated 08.01.2000. After the death of his mother, the petitioner is entitled to

receive the compensation payable in respect of the aforesaid acquired land, as per the terms of the said Will. In response to the request made in an application filed under the Right to Information Act, he was informed that by letter, dated 21.01.2017, of the Information Officer of VUDA that an amount of Rs.3,172-25 paise was deposited, on 18.08.1986, through cheque No.935795 in Andhra Bank, Dwarakanagar Branch, Visakhapatnam, in name of Malleti Satyanarayana, and that the cheque was issued in the name of the said person on an authorization letter of one Kanaka Durgamma and that the said Satyanarayana is the husband of the said Kanaka Durgamma. However, the said amount was not received by her/the mother of the petitioner. Therefore, he made a representation, dated 20.9.2017, to the 2nd respondent by referring to the information obtained by him under the Right to Information Act. Despite the said representation no action is being taken in the matter by the respondents.

At the hearing, learned counsel for the petitioner would submit that the grievance of the petitioner would stand redressed if a direction is given to the respondents to consider and dispose of the said representation, dated 20.9.2017.

Learned Standing Counsel appearing for respondents 2, 3 and 4 would submit that the Writ Petition filed seeking the present relief is not maintainable and that the petitioner is not entitled to make a claim for payment of compensation in respect of the said acquired land,

without following the procedure established by law, even if not paid till date and that he has to prove his entitlement under facts and in law to receive the said compensation. He would further submit that as the matter is a very old matter of the year 1986, the respondents concerned are not able to furnish information immediately and that, therefore, he has no instructions as to the realization of the amount which is covered by the cheque afore-mentioned. However, he endorses the submission of learned counsel for the petitioner insofar as the disposal of the representation of the petitioner by the authority concerned.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 20.9.2017, of the petitioner in strict accordance with the procedure established by law, however, within eight weeks from the date of receipt of a copy of this order and communicate the decision thereon to the petitioner within a week thereafter.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand disposed of as infructuous.

JUSTICE M.SEETHARAMA MURTI

21st November 2017

DR

