

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.40307 OF 2017**

**O R D E R :**

The case of the petitioner is that her father-in-law Penumudi Yesu was issued patta by the Government with regard to Assessed Waste Dry Land in Survey No.768/9 and 10, admeasuring Ac.2.40 cents and after his death the said property was devolved to his sons i.e. Sri Penumudi Samadanam who is the husband of the petitioner and Penumudi Mastan. Thereafter, the husband of the petitioner has allotted Ac.0.20 cents to his daughter-in-law by name Smt.Penumudu Sowbhagyam and he kept in possession of admeasuring Ac.0.90 cents. He cultivated the said land till his death and he died on 01.02.2017 leaving his legal heirs i.e.,petitioner, two daughters-in-law and two daughters. The 4<sup>th</sup> respondent also issued Family member Certificate on 06.05.2017. Thereafter, both his daughters-in-law and two daughters gave 'No Objection Certificate' to the petitioner with regard to receive the award amount. As such, the petitioner is entitled for compensation. While so, the 4<sup>th</sup> respondent issued impugned proceedings dated 08.07.2014 stating that the Government is intending to resume the lands of the petitioner and others for Drinking Water Scheme. The 4<sup>th</sup> respondent did not issue any notice to the petitioner before passing the impugned proceedings. Further, in the impugned proceedings the 4<sup>th</sup> respondent did not mention with regard to the

compensation payable to the petitioner and other farmers under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Aggrieved by the same, present writ petition is filed.

Heard both sides.

A reading of the impugned proceedings goes to show that no prior notice was issued to the petitioner. As per the Judgment rendered by the Hon'ble Larger Bench of this Court in case of **LAO-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad and others v. Mekala Pandu & others**<sup>1</sup> it is held that if the assigned lands are required for any public purpose, the aggrieved are entitled for compensation on par with patta lands.

Even in the written instructions produced by the learned Assistant Government Pleader for Land Acquisition it is stated that the land acquisition proceedings are under process for making payment of compensation to the individuals and that the subject land is allotted to the petitioner's father-in-law and subsequently the same was transferred to his legal heirs.

In view of the aforesaid facts and circumstances, the respondents 2 to 4 are directed to pay compensation in respect of subject land to the legal heirs of Penumudi Yesu as

---

<sup>1</sup> 2004(2) ALD 451 (LB)

per their entitlement in terms of **Mekala Pandu's** case (stated supra), on production of necessary documents.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

---

**A.RAJASHEKER REDDY, J**

06.12.2017  
t k.

