

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40999 OF 2017

O R D E R :

The case of the petitioner is that the land in Survey No.341/6 is an assigned land granted under D-Form Patta to the petitioner's deceased father late Venkata Ramappa in the year 1966 through the Tahsildar; and that his name is also entered in the revenue records and his father was also issued pattadar pass book. After the death of his father petitioner has been in possession and enjoyment of the same. It is also stated that there are some disputes between the family members of the petitioner who are his cousins and that a legal notice was also issued by his cousins stating that the subject property is the ancestral property of their grandfather; that they also entitled to 1/5th share in the subject property; and that part of the subject land was acquired by the 1st respondent for the purpose of establishing KIYA cars company for which that they are also entitled for the compensation. The grievance of the petitioner is the 3rd respondent kept payment of compensation pending without there being any objections or proceedings from the civil court. As the compensation amount is not being released the petitioner also submitted representation to the 3rd respondent. But, till date no action is being taken by the

respondents. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue produced written instructions stating that originally the land was assigned in the name of Sri Venkataramappa S/o.Venkatappa vide proceedings in DAR DIs.No.764/66, dated 08.05.1957; that pattadar passbooks were also issued to one M.Gangamma w/o.late M.Venkataramappa; and that the petitioners also given consent to part with subject land and to receive the approved exgratia. It is also stated that basing on the enquiry report and recommendation, the exgratia was approved in the name of sons of original assignee; that meanwhile one G.Maruthi Prasad and G.Somasekhar, sons of late G.Pramilamma (elder daughter of original assignee) have put an objection petition and requested that the above land is joint property and their mother is also having 1/5th share in the subject land and requested for payment of approved exgratia to them; that in view of the above objection petition, the payment of exgratia was kept pending; that the Tahasildar issued notice on 23.05.2017 to both the petitioners and objectors; and that the objection petitioners have attended the enquiry and given written explanation stating that their mother is also having

1/5th share in the subject property and requested for payment of approved exgratia as per their share.

In view of the above, since the issue is already pending before the concerned authority and notices have already been issued to the petitioners as well as objectors, it is for the competent authority to pass appropriate orders regarding payment of compensation, within a period of four weeks from the date of receipt of a copy of this order. If petitioners are aggrieved by the said orders, it is open for the petitioners to agitate their rights before the appropriate authority.

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.

06.12.2017
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A.RAJASHEKER REDDY, J