

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23852 of 2006

ORDER:

Petitioner asserts that her husband is the owner of land to an extent of Ac.1.09¼ cents in Survey No.280 of Rajalingala Village, Enkur Mandal, Khammam District; that the respondents have acquired the said land in 1985 for the purpose of forming a road from Chandrugonda-Dornakal; that her husband requested the Land Acquisition Officer to adjust the acquired land from his excess land, which is to be surrendered by him to the Government under the Urban Land (Ceiling and Regulation) Act, 1976; that instead of surrendering the land in Survey No.280, he has surrendered the land to an extent of Acs.6.05 guntas on 12.06.1988; that though in the letter, dated 25.09.1998, addressed by respondent No.1-Special Deputy Collector, Land Acquisition, Khammam District to respondent No.2-Executive Engineer, R&B Special Division, Kothagudem, Khammam District, it is mentioned that the subject land is not hit by the provisions of the said Act, the husband of the petitioner is not paid compensation; that after the death of her husband, the petitioner made a representation, dated 04.04.1997, enclosing the certificate issued by the Land Revenue Officer, Enkur, dated 06.03.1997, in which he confirmed the ceiling case with respect to her husband and an extent of Acs.6.05 guntas of land was taken

possession on 12.06.1988 and a direction was issued to respondent No.2 to deposit a sum of Rs.25,000/- towards compensation for the subject land; that there was no progress thereafter and that the petitioner addressed a letter, dated 10.02.2004, to respondent No.2 and further got issued a legal notice on 18.07.2004, but in spite of the same, no action has been taken thereon. In the circumstances, the petitioner constrained to file the present writ petition.

Respondent No.2 filed a counter-affidavit stating that the subject land was not acquired for the purpose of road widening; that its possession was not taken; that the road passes through the land in Survey No.281, as such, the question of paying the compensation to the petitioner does not arise; that the deposit of a sum of Rs.25,000/- is in relation to the land that is likely to be affected and not with respect to the subject land; that the land was acquired in 1985 and the present writ petition was filed in 2006 after a long lapse of time and that the writ petition does not deserve any consideration on account of the delay and laches.

Learned counsel for the petitioner, while reiterating the averments mentioned in the writ affidavit, submits that from the sketch map appended to the counter-affidavit, it is not discernable whether the road is passing through the land in Survey No.280 or

Survey No.281. He also submits that no prejudice would be caused to the respondents if the land is surveyed.

On the other hand, learned Government Pleader for Land Acquisition submits that the proceedings, dated 25.09.1998, on which the petitioner placed reliance, discloses that deposit of a sum of Rs.25,000/- is in relation to the land in Survey No.280 but not with respect to the land in Survey No.281. He also submits that the writ petition is liable to be dismissed on the ground of laches.

Having considered the respective submissions, it may be noted that the subject land was acquired in 1985 and that the husband of the petitioner surrendered the land admeasuring Acs.6.05 guntas on 12.06.1998 and had not claimed any compensation with respect to the land in Survey No.280. If the assertion of the petitioner is taken on its face value, there is no explanation forthcoming from 12.06.1998 till filing of this writ petition and that there is a gap of almost 18 years in the process. Further, a perusal of the letter, dated 25.09.1998, discloses that the Award came to be passed on 27.09.1985 with respect to the lands in Survey Nos.281, 282 and 285 and there is no mention about the land in Survey No.280.

Viewed from that angle, if one examines the sketch map, the possibility of the petitioner's land being affected in road

widening is remote. Assuming that the road was laid in 1985 and the petitioner approached this Court in 2006 that by itself does not prevent this Court from observing that there was enormous delay on the part of the petitioner in approaching this Court.

In those circumstances, this Court is not inclined to grant any relief to the petitioner.

Hence, the writ petition is dismissed.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:10.12.2018

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