

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.16901 OF 2007

ORDER :

This writ petition is filed to declare the action of the respondents in taking over patta lands of the petitioner admeasuring Acs:2-17 ½ cents in survey Nos. 952/2; 953/2' 954/1 (2) and 954/2 (2) situated at Railway Kodur village and Mandal, Kadapa district for providing house-sites to the villagers of Railway Kodur, without issuing any notice and without initiating land acquisition proceedings, as illegal and arbitrary.

2. The brief facts according to the writ petitioner are that :

The petitioner's grand father, Vakacharla Gangisetty was pattedar of dry lands admeasuring Ac:0-078 ½ cents in survey No. 952/2; Ac:0-90 cents in survey No.953/3; Ac:0-24 cents in survey No. 954/1 (2) and Ac:0-24 cents in survey No. 954/2 (2) situated at Railway Kodur village and Mandal, Kadapa district; after the death of the petitioner's father, the petitioner inherited the property and his name was recorded as pattedar in the revenue records; in the year 2001, the father of the petitioner gifted the said lands to the petitioner through an un-registered gift deed dated 12/2/2001; when the petitioner was away from the village, the petitioner noticed that some houses were constructed in his land and on enquiry he came to know that the respondents have taken over the said land and house site pattas were issued; the petitioner approached the respondents questioning their action and also submitted a representation dated 17/7/2007 to pay the compensation for the lands which were acquired;

3. No counter has been filed by the respondents herein. The learned Government Pleader submitted letter No. Ref.B/1274/1984 written by the Tahsildar addressed to the Government Pleader, dated 01/9/1984. According to the said instructions, the lands in survey Nos. 952, 954/1, 954/2, 953/1, 955/1-A and 955/1-B were acquired and that the awards were passed vide Award Nos. 4, 5, 6 and 7, dated 28/3/1984.

4. As seen from the written instructions of the Tahsildar, Railway Kodur, the lands mentioned in the above survey numbers were acquired and awards have been passed wayback on 28/3/1984. As seen from the writ affidavit, the petitioner did not participate in the award enquiry and the writ petition was filed in the year 2007. As the awards have been passed in the year 1984, as the petitioner slept over the matter till 2007, no further orders can be passed in the writ petition. However, the petitioner is given liberty to avail all legal remedies, which are available to him under law, if he is so advised.

5. The writ petition is closed accordingly. No costs.

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

JUSTICE KONGARA VIJAYA LAKSHMI

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[CLOSED]

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