

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.23175 of 2007

Order:

This Writ Petition is filed seeking a direction to the respondents to pay compensation in accordance with G.O.Ms.No.1307, Revenue (Assignment-I) Department, dated 23.12.1993.

The facts of the case, according to the petitioner, are that he is cultivating the land for more than 15 years and the Mandal Revenue Officer issued a notice asking him to give the said land. He contends that Ac.2-00 of land has been acquired by the Government and no compensation has been paid to him and therefore he seeks compensation in accordance with the said G.O.Ms.No.1307, dated 23.12.1993.

A counter affidavit has been filed by the Tahsildar stating, *inter alia*, that in the entire affidavit the petitioner has not stated in which survey number and in which village his land is situated; as per the revenue records, an extent of Ac.64.50 cents of land in Survey No.161 of Chippada village, Gheemunipatnam Mandal, Visakhapatnam District, is classified as 'Vaagu' and subsequently the said classification was changed as "cattle grazing poramboke" as per the orders of the Assistant Settlement Officer, Anakapalli; the then Tahsildar, Bheemunipatnam, in the year 2012-2013 has verified all the assignment files of all the villages in the Mandal and prepared village-wise list of assignments made in the Mandal; in the list pertaining to Chippada village, the name of the petitioner was not found as an assignee in respect of the land in Survey No.161 of Chippada village; the petitioner has also not submitted any copy of D-Form patta nor even the relevant DR number in which he was granted assignment; as per the records, an extent of Ac.388.40 cents of

land covered by different survey numbers of Chippada village including Survey No.161 were handed over to APIIC as per G.O.Ms.No.1936, dated 22.12.1993 and G.O.Ms.No.1098, dated 28.07.1994; in turn the subject land along with other lands in Chippada village were purchased by M/s Divis Laboratories Limited, from APIIC on 09.01.2004; G.O.Ms.No.1037, dated 23.12.1993 deals with payment of compensation to assigned lands when resumed for public purpose, but in the instant case the petitioner is not an assignee for paying *ex gratia* as per the said GO. Along with the counter affidavit, the Photostat copy of Adangal was also filed showing the land in Survey No.161 as Government land.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for the respondents.

Learned counsel for the petitioner contends that the petitioner is an illiterate and innocent and hence he does not possess a copy of D-Form patta which is given to him. He relies upon the cist receipt dated 22.12.1988 and submits that as the petitioner is in possession of the land the cist amount was paid to the Government. He also relies upon the orders of this Court passed in W.P.Nos.12193 and 20107 of 1996, dated 17.08.2001, and submits that the petitioner is also similarly placed as that of the petitioners in the said writ petitions.

A perusal of the order in the said Writ Petitions shows that the lands resumed therein are the assigned lands. The case of the petitioners therein is that they are the assignees and they handed over their lands to APIIC for establishing an industrial unit and therefore they are entitled to compensation in accordance with G.O.Ms.No.1307, dated 23.12.1993. In the said writ petitions this Court has categorically observed that “admittedly the lands resumed are the assigned lands” and disposed of

the writ petitions with a direction to assess the compensation in accordance with the said GO. In the present case, even though the case of the petitioner is that the subject matter of the land has been assigned to him, no Pattadar passbook or copies of pahanies whatsoever have been filed along with the writ petition to prove the same. Apart from that, in the counter affidavit, a categorical statement was made by the Tahsildar stating that the name of the petitioner was not found as an assignee in respect of the land in Survey No.161 of Chippada village and that the subject matter of the lands were handed over to APIIC in the year 1993-1994 itself. As the petitioner could not substantiate that he is the assignee of the subject matter of the lands, he is not entitled to the benefits under G.O.Ms.No.1307, dated 23.12.1993.

In the circumstances, the Writ Petition fails and is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 20.07.2018
Nsr