

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.21838 of 2017

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Revenue appearing for the respondent Nos.1 to 6 and Sri L.Prabhakar Reddy, learned counsel for 7th respondent.

2. The 1st petitioner owns an extent of Ac.9.10 gts in Sy.No.54 and Ac.8.30 gts in Sy.No.55, 2nd petitioner owns Ac.4.28 gts in Sy.No.54 and 3rd petitioner owns Ac.4.16 gts in Sy.No.55 at Adibhatla village of Ibrahimpatnam Mandal, Ranga Reddy District.

3. Proceedings under the Land Acquisition Act, 1894 acquire the said land were initiated for the benefit of 7th respondent by the 1st respondent in 2004. However, the subject land continued to be in possession of the petitioners and was not taken possession by the respondents, as can be seen from the award No.C/485/2004 dt.01-02-2006 of the 4th respondent at para-8 in view of the order passed by the Supreme Court in S.L.P.Nos.1414 and 1415 of 2006 at the instance of the petitioners.

4. Petitioners contend that in spite of the fact that the possession of the above land was not taken from the petitioners in respect of the subject land, the name of the 7th respondent is continuing in the revenue records and that this is arbitrary and illegal and violative of the provisions of the A.P. Rights in Land and Pattadar Pass Books

Act, 1971. Petitioners contend that without possession of the land being handed over to the 7th respondent, the name of the 7th respondent could not have been incorporated in the revenue records in respect of the subject land.

5. The 7th respondent has also filed counter-affidavit in W.P.No.21826 of 2017 and admitted in para-5 thereof that the land belonging to the petitioners was not handed over to 7th respondent Corporation though it was acquired and award was passed on 01-02-2006.

6. Accordingly, the Writ Petition is allowed, and the 6th respondent is directed to incorporate the name of the petitioners in respect of the subject lands by deleting the name of the 7th respondent therein, since admittedly the 7th respondent is not in possession of the said land. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-01-2018

vsv