

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26600 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in allowing the structures shown in the Annexure of the petitioners getting submerged in Reach Nos.22 to 26 of Gattupalli village, H/o.Obulam, Gopavaram Mandal, Kadapa District, and further action of the respondents in acquiring the properties situated at contour level 330 and paying the compensation, without acquiring the petitioners' land and house properties though situated at contour level 318 and submerged in Somasila Project, as arbitrary, illegal and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India, and consequently to direct the respondents to initiate proceedings under the Land Acquisition Act in respect of the structures shown in the Annexure of the petitioners forthwith and to pay compensation.

Heard Sri D.Kodandarami Reddy, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

It has been contended by the petitioners that they are owners of different extents of land in Gattupalli village and their lands were submerged under Somasila Project. Their lands were acquired in 1994, but, however, for the structures existed therein, no compensation was paid by the respondents. The State Government has issued G.O.Rt.No.533, dated 02.08.2002 and constituted a Committee under the Chairmanship of the District Collector to ascertain whether the structures are submerged.

The respondents have filed counter. At para-13 of the said counter, it has been contended that the claims of the petitioners would be enquired into under Section 5-A of the Land Acquisition Act and also would be considered during award enquiry.

Learned Government Pleader for the Land Acquisition has also submitted that as per latest instructions from the respondents, dated 12.04.2018, the issue with regard to the lands in Reach No.22 to 26 in Gattupalle village which were submerged under Somasila Back Water in Gattupalle village of Gopavaram Mandal is taken into consideration under new Land Acquisition Act, 2013 for initiating action and paying compensation and the same is under process.

In view of the above submission made by the learned Government Pleader for Land Acquisition, without expressing any opinion on the merits of the case, the Writ Petition is disposed of, directing the respondents to enquire into and take a decision as to whether the structures of the petitioners have been submerged under Somasila Back Water of Gattupalle village and pass appropriate orders, in accordance with law, within a period of 6 (six) months from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 26.04.2018
Dsr