

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4762 OF 2018

ORDER:

The writ petition is filed by the petitioner seeking to direct the first respondent to consider her representation dated 27.11.2017 made in terms of the Government Memo No.Rev-26023/195/2017-LA, dated 02.01.2018.

2. Heard both sides and perused the material available on record.

3. Petitioner claims that her father came to be issued with 'B' form patta over an extent of Ac.0.19 cents of land in Sy.No.868-B1 of Thookivakam village, Chandragiri Mandal, Chittoor District. Petitioner further asserts that the said land was assigned in favour of her late father and the said land was taken over by the Government for the purpose of establishment of Railway Carriage Workshop at Renigunta. At that point of time, other similarly situated persons whose lands were also acquired by the Government for the said purpose were either given compensation or provided with alternative lands. However, the petitioner's case, on account of the death of her father, never came to be considered. Considering these aspects on the representation of the petitioner dated NIL, government issued Memo No.Rev-26023/195/2017-LA dated 02.01.2018 and directed the District Collector, Chittoor to take appropriate steps in accordance with rules. Though the said memo was issued by the Government on

02.01.2018 basing on the representation of the petitioner dated 27.11.2017, so far, no action has been taken by the Collector. Hence, the present writ petition.

4. Learned Government Pleader on instructions submits that as per the Land Acquisition rules, the belated claim of the petitioner cannot be entertained at the stage. At any rate, he further submits that the request of the petitioner would be considered in due course subject to the rules permitting.

5. Having considered the respective submissions, there being no dispute that land which was allotted to the petitioner came to be acquired by the Government for the purpose of establishing the railway carriage workshop, the petitioner is required to be compensated at least as per the policy existing as on 1982. If the assertion of the petitioner that similarly situated persons were provided with alternative land, there cannot be any reason to discriminate the petitioner and at least petitioner's case also be considered on par with similarly situated persons.

6. In those circumstances, writ petition is disposed of with a direction to the first respondent to consider the case of the petitioner and pass appropriate orders by providing relief subject to the rules permitting. Such exercise of disposal shall be undertaken within a period of eight (8) weeks from the date of receipt of a copy of this order. No order as to

costs. Miscellaneous petitions pending, if any, in this writ petition, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Dt:22.02.2018

Rns.



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