

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5204 of 2018

ORDER :

Challenging the action of the respondent authorities in paying the compensation to Respondents 4 to 10 pending O.S. No.3 of 2017, on the file of the Agent to Government at Kakinada for partition, the present Writ Petition is filed.

As can be seen from the averments in the writ affidavit, the 5th respondent and late Sri Umamaheswara Rao are the sons and Respondents 7 to 9 are the daughters apart from the petitioner, of the 4th respondent and her husband late Sri Pediredla Chinnayya Patrudu. The 6th respondent is the wife of late Sri Umamaheswara Rao and the 10th respondent, who is the wife of late Sri Lanka Venkateswara Rao, maternal brother of the 4th respondent and the 11th respondent used to live in the house of the petitioner's father.

It is asserted that originally, an extent of Acs.11.26 cents of land situated at Kondamodalu Village, Devipatnam Mandal was the self-acquired property of Sri Pediredla Sivayya Patrudu and his wife Ademma, who died on 1976 and 1977 respectively, leaving behind him Sri Pedirela Chinnayya Patrudu as their only legal heir. In 1978, Sri Chinnayya Patrudu also died intestate leaving behind him his wife – 4th respondent and other legal representatives and one Sri Pediredla Umamaheswara Rao died in 2012 leaving behind his wife – 6th respondent and two daughters. Respondents 10 and 11 have nothing to do with the schedule property, but however, as they used to live in the house of the petitioner's father, their names were mistakenly shown as the legal heirs of late Sri Pediredla Sivayya Patrudu.

The petitioner made a representation to the 2nd respondent on 04.01.2008 and also to the Project Officer, ITDA on 09.12.2013. The Revenue Divisional Officer, Rampachodavaram endorsed the representation of the petitioner to the Tahsildar, Devipatnam on 28.08.2009 to take necessary action.

While the things stood thus, on 09.04.2015, the 2nd respondent had issued the notification under Section 11(1) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 showing Respondents 4 to 11 as owners of the schedule property and passed an Award in their favour. The petitioner had also filed O.S.No. 3 of 2017 on the file of the Agent to Government, Kakinada claiming 1/7th share in the schedule property and the said suit is pending. When the respondent authorities have been trying to disburse the amount to Respondents 4 to 11, the petitioner had also submitted the representation dated 09.05.2015, but in vain. Hence, the Writ Petition.

Heard learned counsel for the petitioner.

Learned Government Pleader for Land Acquisition (Andhra Pradesh) has placed before this Court the letter dated 17.02.2018 addressed by the Special Deputy Collector (LA), Polavaram Irrigation Project, Chinturu Unit and submits that the land in an extent of Acs.1273.03 cents of Kondamodalu Village was notified in six phases and was acquired for submergence of Polavaram Irrigation Project and the petitioner's land was also notified therein. According to him, neither the petitioner nor Respondent Nos. 4 to 11 has attended the Award enquiry to substantiate their right, title and possession over the land in question and since

there is a title dispute, the Award was passed referring the matter to the Presiding Officer (LA), for adjudication under Section 77(2) of the 2013 Act. Hence, the question of payment of compensation to Respondents 4 to 11 does not arise at all.

The written instructions submitted by the Special Deputy Collector (LA), Polavaram irrigation Project, Chinturu Unit, Chinturu, is placed on record.

Having considered the respective submissions and in the light of the fact that as on date, Award has been made, the petitioner shall take necessary steps to resolve the family disputes and the Land Acquisition Officer shall also take necessary steps by depositing the compensation amount before the competent authority, in terms of Section 77 (2) of the Act, to enable the parties to settle their disputes and avail the benefit of compensation amount, the petitioner shall also be entitled to take necessary steps if she is not satisfied with the compensation amount.

With the above direction, the Writ Petition is disposed of. No costs.

Consequently, the Miscellaneous Applications, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Date:22.02.2018

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