

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.45136 of 2016

ORDER:

This writ petition is filed challenging the action of respondents in trying to dispossess the petitioner from the schedule land admeasuring Ac.0-63 cents in RS No.134/2 and an extent of Ac.4-50 cents in RS No.134/5 of Madhurapudi village of Korukonda Mandal, East Godavari District, without recourse to the due process contemplated under Act 30 of 2013.

Heard Sri Challa Dhanamjaya, learned counsel for the petitioner and the learned Government Pleader for Revenue, State of Andhra Pradesh.

It is the case of the petitioner that he has no objection with respect to the land acquisition, however, without payment of compensation, he cannot be dispossessed.

On the other hand, counter affidavit is filed by the 5th respondent stating that the land acquisition proceedings were concluded by passing Award on 10.11.2015 and 14.11.2015 and, as a matter of fact, the compensation amount, as ordered, was deposited with the competent authority under Section 77(2) of the Act 30 of 2013. It is further asserted that possession has been taken and a small portion of work has been stalled on account of the pendency of the writ petition.

On behalf of the Land Acquisition Officer, no counter affidavit is filed. However, on instructions, the learned Government Pleader placed on record the proceedings dated 20.07.2018 addressed to the Presiding Officer, Land Acquisition, Rehabilitation & Resettlement Authority, Visakhapatnam, an authority constituted under Section 64 of the Act, as per which the amount

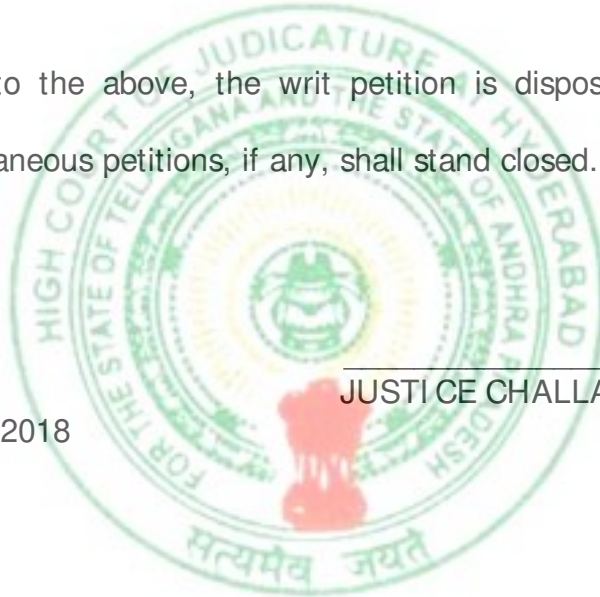
of compensation in a sum of Rs.2,01,21,827/- and other sums was deposited vide Cheque bearing No.618529 of Andhra Bank, Devi Chowk Branch, Rajamahendravaram, with the competent authority. Insofar as the grievance of the petitioner with respect to the compensation having not been paid is concerned, as the same is already deposited before the competent authority under Section 77 of the Act, he is at liberty to approach the competent authority for its realisation. So far as the objection with regard to measurements, as the petitioner has already invoked Section 64 of the Act, he is entitled to receive the enhanced compensation amount, if any, after the competent authority passes orders in terms of the Act.

Subject to the above, the writ petition is disposed of. No costs.
Pending miscellaneous petitions, if any, shall stand closed.

18th December, 2018

KSM

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