

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.20142 OF 2007

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of respondents 1 to 3 in not referring the claims of petitioners to Civil Court for deciding the dispute as to entitlement for compensation for acquisition of their lands, as illegal and arbitrary.

The facts of the case, in brief, are that land to an extent of Acs.16.00 cents belonging to late Karri Brahmanna was acquired by the revenue officials for the purpose of Polavaram Project. As the 4th respondent, by mis-representing the real facts, was trying to take away the entire compensation amount, the petitioners, who are also the legal heirs of late Karri Brahmanna, issued registered notice to revenue officials seeking to stop payment and to refer the matter under Sections 18, 30 and 31 of the Land Acquisition Act (for short 'the Act') to Civil Court for adjudication of dispute. Alleging in action, the present writ petition is filed.

The second respondent filed a counter affidavit denying the allegations made in the writ affidavit and also stating that land to an extent of Acs.8.05 cents covered by R.S.No.2/2, 2/4 and 46/4 of Pydipaka Village of Polavaram Mandal was proposed for acquisition along with other lands for the purpose of construction of Polavaram Irrigation Project in the year 2006-2007. Notification dated 11.10.2007 under Section 4 (1) of the Act was issued showing the name of Karri Ramachandra Rao, 4th respondent herein. Thereafter, declaration under Section 6 (1) of the Act was

approved on 26.02.2008. Subsequently, consent award No.1/2008 dated 30.01.2009 was passed for an extent of Acs.26.12 cents and compensation was paid to the claimants except in respect of the subject land as there was a title dispute between the petitioners and R-4. According to revenue records, land admeasuring Acs.3.16 cents in RS No.2/2, Ac.1.18 cents in RS No.2/4 and Acs.3.71 cents in R.SN.o.46/4 total Acs.8.05 cents is under possession and enjoyment of R-4 and the official respondents proposed to acquire the said land of Acs.8.05 cents belonging to R-4 only but not Acs.16.00 cents as alleged by the writ petitioners. It is further stated that a supplementary award dated 07.07.2010 to the original award No.1/2008-2009 dated 30.01.2009 under Section 11 (1) of the Act was passed for Rs.11,72,893/- for the extent of Acs.8.05 cents covered by R.S.Nos.2/2, 2/4 and 46/4 of Pydipaka Village including the other benefits to be deposited under Section 31 (2) of the Act for settlement of the dispute between the writ petitioners and R-4. When the matter stood thus, the writ petitioners and R-4 have compromised the matter in the month of September, 2010, agreeing for payment of compensation to R-4. Basing on said compromise, the compensation was paid to R-4 through cheque in the month of September, 2010.

Having regard to the assertions made in the counter affidavit filed by the 2nd respondent narrating the compromise entered between the parties, no further orders need be passed in this writ petition.

Therefore, the Writ Petition is dismissed.

Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

27th February, 2018
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