

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2942 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing respondent No.1 to consider the claims and objections of the petitioner through legal notice dated 13.2.2007 and refer the dispute to the Civil Court under Sections 30 and 31 of the Land Acquisition Act, 1894 (for short 'the Act') for the purpose of adjudication of dispute with regard to the acquired land in Sy.No.278 to an extent of Acs.5.04 guntas situated in the limits of Mannapur Village, Dharoor Mandal, Mahaboobnagar District.

Heard Sri K.Venkatesh Gupta, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition appearing for the 1st respondent.

It is the case of the petitioner that in view of acquisition of land admeasuring Acs.5.04 guntas in Sy.No.278 situated in the limits of Mannapur Village, Dharoor Mandal, by the 1st respondent for the purpose of submergence under the Jawahar Lift Irrigation Project, he is entitled to the compensation. When the 1st respondent failed to pay the compensation, he sent a legal notice dated 13.2.2007, requesting him to refer the

dispute to the competent Civil Court under Sections 30 and 31 of the Act.

Counter-affidavit has been filed on behalf of the 1st respondent stating that the amount of compensation was already paid to the 2nd respondent and if at all, the petitioner has any grievance, he may approach the competent Civil Court and claim the said compensation from the 2nd respondent.

Having regard to the facts and circumstances of the case, this Court is of the considered view that since the amount of compensation was disbursed to the 2nd respondent on 8.2.2007, much prior to the issuance of legal notice dated 13.2.2007, the cause in the writ petition does not survive for adjudication.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to approach the competent Civil Court against the 2nd respondent and claim the compensation from her. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th April, 2018
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