

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16441 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of respondents 1 to 4 for not paying compensation to the petitioner in respect of land admeasuring Ac.2.00 in Sy.No.3/1C situated at Siddama Agraharam, Varadayapalem Mandal, Chittoor District, as arbitrary, illegal and consequently to direct the respondents 1 to 4 to consider and dispose of the objections dated 27.7.2007 raised by the petitioner.

Heard Sri Bussa Rajendra, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition.

It is the case of the petitioner that his father was granted DKT patta on 4.2.1968 by the then Tahsildar, Satyavedu, in respect of an extent of Ac.2.00 in Sy.No.3/1C, Siddama Agraharam, Varadayapalem Mandal, Chittoor District, and since then he was in possession and enjoyment of the same. After the death of his father on 15.11.1993, the petitioner is in possession and enjoyment of the said property. While so, the respondents had issued a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') to acquire

the said land for establishing Special Economic Zone, on 15.2.2007 and compensation was also granted. When respondent No.3 is taking steps to pay the compensation in favour of respondents 5 and 6, the present writ petition is filed.

While issuing notice before admission, this Court on 2.8.2007 directed respondents 1 to 4 not to pay compensation with regard to the land in question in favour of respondents 5 and 6. By virtue of the said order, the compensation is not yet disbursed to any one.

Learned Government Pleader contends that the patta granted in favour of father of the petitioner was cancelled in the month of April, 1997; after cancelling the patta, the same was allotted in favour of respondents 5 and 6; respondents 5 and 6 are in possession and enjoyment of the same; and in the land acquisition proceedings also, the names of respondents 5 and 6 are shown as owners of the property.

Having regard to the facts and circumstances of the case, this Court is of the considered view that since there is a dispute between the petitioner and respondents 5 and 6 with regard to claim of compensation in respect of the land which was acquired, ends of justice would be met if respondents 1 to 4 refer the case to the competent Civil Court under Section 30

of the Act so as to enable them to determine the rightful claimants.

Accordingly, the Writ Petition is disposed of directing respondents 1 to 4 to refer the case under Section 30 of the Act to the competent Civil Court for determination of the rightful claimants, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

24th April, 2018
rkk



JUSTICE ABHINAND KUMAR SHAVILI