

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18829 of 2018

ORDER:

Heard Mr.P.Gangaiah Naidu, learned Senior Counsel for petitioners and the learned Assistant Government Pleader for respondents.

The circumstances leading to filing of writ petition are not in dispute. The controversy in the writ petition is in a small compass namely, whether the 3rd respondent is legally competent and jurisdictionally authorized to issue notice dated 22.05.2018 and threatened to take possession of the lands described in the notice impugned in the writ petition.

The operative portion of the notice reads as follows:-

“The lands in Survey numbers situate at Gantavur Village, Palamaner Mandal within the limits of Palamaner Municipality, shown below were proposed for NTR Urban Housing. The details of the land :

S.No.	Survey Number	Classification	Extent	Remarks
1.	632	G.D	1.95	Patta land
2.	1017/ 1	Government land	1.85	Darkast land
	1017/ 2		1.15	
	1017/ 3		1.85	
	1017/ 4		2.17	
	1017/ 5		0.61	
	1017/ 7		0.44	
	1017/ 9		1.46	
	1017/ 10		1.06	

	1017/ 11		0.14	
	1017/ 12		0.08	
	Total		12.76	

As per the proposal made by the District Collector, Chittoor i.e., Rs.12,00,000/- (Twelve lakhs only) per acre totalled to Rs.1,53,12,000/- (one crore fifty three lakhs twelve thousand rupees), the Government sanctioned the same vide reference 3rd cited. Therefore, by paying the amount specified above, the lands proposed for NTR Urban Housing Scheme would be taken over possession from the pattadars....”

The petitioners challenge the notice as illegal, arbitrary and unconstitutional.

On 08.06.2018, at request of respondents, the matter is directed to be listed today for getting instructions.

The Assistant Government Pleader places on record written instructions, dated 07.06.2018.

I have heard the counsel and also taken note of the written instructions and the alternative submission made by the Assistant Government Pleader.

The petitioners are fair to the circumstances or enforcing their right to be heard and procedure followed before the property belonging to them is either alienated or acquired in favour of respondents. In other words, the petitioners want procedure stipulated in G.O.Ms.No.58, dated 06.02.2018 is followed by respondents and in the event of disagreement in arriving at the fair market value, the petitioners insist upon following the procedure

stipulated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act 30 of 2013').

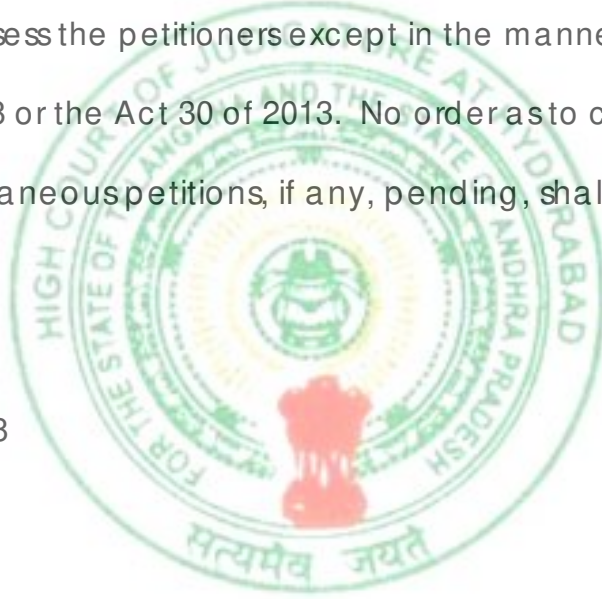
The Assistant Government Pleader does not object to following the procedure prescribed under G.O.Ms.No.58 and in the event of failure in obtaining land under G.O.Ms.No.58, the respondents would follow the procedure stipulated under the Act 30 of 2013.

The statement is placed on record and accepted.

The writ petition is disposed of by directing the respondents not to dispossess the petitioners except in the manner prescribed by G.O.Ms.No.58 or the Act 30 of 2013. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 11-06-2018
Prv



S. V. BHATT, J

