

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P. No.19096 of 2018ORDER:

This writ petition is filed praying to grant the following relief:

“To issue a writ or order or direction more in the nature of writ of mandamus declaring the action of the respondents in acquiring the petitioner’s agricultural land to the extent of acres 3.92 cents, in survey No. 92, Pedabhimpally Village, Mandal Devipatnam, District East Godavari, without paying compensation to the petitioner is illegal, unjust, contrary to procedure established in land acquisition proceedings, violative of article 300(A) of the Constitution of India and consequently to direct the respondents to pay the compensation forthwith for the peittioner’s agricultural land to the extent of acres 3.92 cents, in survey No. 92, Pedabhimpally Village, Mandal Devipatnam, District East Godavari acquired.”

2. The petitioner claims to be the owner of the agricultural land to an extent of Ac.3.92 cents in Survey No. 92, Pedabhimpally Village, Devipatnam Mandal, East Godavari district. According to the petitioner, publications were issued in Form VI-A on 09.11.2016 and in Form VII on 18.03.2017, wherein the name of Smt. Alladi Veerayamma was mentioned instead of the name of the petitioner. The petitioner alleges that Alladi Veerayamma died on 02.02.2016. Therefore, her name could not have been recorded in the proceedings referred to above. The petitioner claims to have issued a legal notice on 18.04.2018 raising

objections as to how his name is not mentioned against S.No.18 in Form VI-A and against S.No.15 in Form VII publications. The petitioner claims to have enclosed the death certificate of Alladi Veerayamma, ownership certificate and pahani copy of the pattaholder. In the above background facts, the prayer extracted above is ought.

3. On 28.11.2018, when the matter was taken up, the learned Government Pleader produced copy of the Award passed on 01.12.2017 and the proceedings of the Special Deputy Collector (Land Acquisition) dated 30th June, 2018. Insofar as the land in Survey No. 92, to an extent of 3.92 acres is concerned, the name of Alladi Veerayamma is shown. In the proceedings dated 30.06.2018, the Special Deputy Collector observed that there are two claimants to receive compensation and both of them were relying on the revenue records in support of their claim that, respectively each of them alone is entitled to receive compensation, and since there are two rival claimants to receive compensation, the matter is referred to the authority under Section 77(2) of Act 30 of 2013, and the amount of compensation determined to be credited in D.D.O account. A copy of these documents are furnished to the learned counsel for the petitioner.

4. The Award passed on 01.12.2017 and the proceedings of the Special Deputy Collector (Land Acquisition) are not under challenge in this writ petition. Since already an Award is passed and as there are rival claims to receive compensation and the amount quantified by the Land Acquisition Officer, the matter regarding entitlement of the person to receive compensation is referred to the authority under Section 77(2) of Act 30 of 2013, which proceedings is also not under challenge. Hence, the relief sought for by the writ petitioner cannot be granted.

5. Accordingly, the writ petition is dismissed. It is open to the petitioner to avail appropriate remedy available to him under law. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

P.NAVEEN RAO, J

Date: 04.12.2018
DMG

