

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20237 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not initiating land acquisition proceedings and not paying compensation for the lands admeasuring Ac.0.93 cents each (totalling to Ac.1.86 cents) in Sy.No.217/1B of Gottipadia Village held by the petitioners, in spite of the lands having been sub-merged in Veligonda Project as arbitrary, illegal and consequently, to direct the respondents to initiate lands acquisition proceedings and pay compensation for the said lands in accordance with law.

Heard Sri Nimmagadda Satyanarayana, learned counsel appearing for the petitioner and learned Government Pleader for Land Acquisition.

It is the case of the petitioners that they have purchased the lands admeasuring Ac.0.93 cents each (totalling to Ac.1.86 cents) in Sy.No.217/1B of Gottipadia Village under registered sale deeds dated 10.01.1997 & 24.04.1943 respectively and the said lands were sub-merged in Veligonda Project. Hence, they have submitted a representation on 24.11.2006 to the 2nd respondent. In pursuance of the same, the 2nd respondent

sought a report from the Mandal Revenue Officer, who in turn, *vide* proceedings dated 3.12.2006 informed that the lands in question are private patta lands. Thereafter, the 2nd respondent did not initiate any proceedings under the Land Acquisition Act, 1894 (for short 'the Act'). In those set of circumstances, the present writ petition is filed.

Learned Government Pleader for Land Acquisition submits that the petitioners are not the owners of the lands and the lands belong to the Government; hence, the question of initiating proceedings under the Act in respect of the Government lands would not arise; and therefore, no relief can be granted by this Court.

It is the case of the petitioners that they are the owners of the lands in question whereas it is the case of the respondents that the lands in question belong to the Government. Having regard to the facts and circumstances of the case, this Court is of the considered view that the respondents may be directed to conduct enquiry as to whether the petitioners are the owners of the subject lands or not.

Accordingly, the writ petition is disposed of directing the respondents concerned to conduct enquiry as to whether the petitioners are owners of the subject lands or not. Upon such enquiry, if it is found that the petitioners are the owners

of the subject lands, the respondents concerned shall consider the case of the petitioners for payment of compensation after initiating proceedings under the Act, in accordance with law.

No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th April, 2018
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