

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.8921 OF 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the inaction of the respondents in initiating the proceedings under the provisions of Land Acquisition Act in respect of the acquisition of premises bearing Door No.10-3-71, Sampara Tatabaiah Street, Mallakarjuna Pet, Vijayawada to determine the compensation to the petitioner as arbitrary, illegal, capricious and violative of the right of the petitioner guaranteed under Article 300-A of the Constitution of India and consequently direct the respondents to pay compensation to the petitioner under the provisions of Land Acquisition Act.”

2. When this matter is taken up for hearing, learned counsel for the petitioner submits that in lieu of the property, which is acquired, an alternative property is given to the petitioner; that after filing of this writ petition, the petitioner failed to contact the learned counsel; and, that, therefore, they have no further instructions from the petitioner in this matter.

3. Learned Government Pleader for Land Acquisition (A.P.), on written instructions, dated 10.09.2018, a copy of which is placed on record, would submit as follows:

In this writ petition, the 3rd respondent/Devasthanam filed a counter-affidavit and that the District Collector/2nd respondent also filed a counter-affidavit. In the counters filed by the said respondents, the claim of the petitioner is denied. In the counter of the 3rd respondent, it is *inter alia* stated that in view of the long

period of occupation of the property of the Devasthanam by the husband of the writ petitioner and on humanitarian grounds, he along with other occupiers of the site of the Devasthanam was paid compensation at the rate of Rs.6,039/- per sq. yard along with structure value as fixed by the R & B Department; that the husband of the writ petitioner received compensation without any protest, after giving his consent and duly agreeing for taking the compensation as per the negotiations made by the temple authorities; that the husband of the writ petitioner agreed that he will not make any claims for compensation in future and that he will not resort to any Court litigation; that the husband of the writ petitioner voluntarily and without any protest received the compensation given to him by submitting the consent letter; that this Court, by orders, dated 04.07.2008, disposed of earlier writ petitions; that the District Collector, Krishna/2nd respondent, by his proceedings in Rc.G2.737/2008, dated 16.09.2008, informed all the concerned that they were paid compensation as per negotiations without initiating land acquisition proceedings, that too, on written consent given by them; and, that, therefore, the writ petition filed by the writ petitioner, who is the wife of Nakka Veera Kumar, is not maintainable and is liable for dismissal.

4. Based on the written instructions, learned Government Pleader for Land Acquisition would also submit that at the time of eviction, an amount of Rs.6,039/- per sq. yard was paid towards the value of structure and at present, the petitioner is not in occupation of the subject property and that it is a part of Maha Mandapam of Sri Durga Malleswara Swamy Varla Devasthanam.

5. Having regard to the submissions of both sides and as no further orders are necessary, the Writ Petition is dismissed. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 17.09.2018
AMD



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