

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.37358 OF 2015

ORDER:

1. Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

2. The petitioner is a Private Limited Company incorporated on 10.2.2012 and it purchased the land of an extent of Ac.12.00 under four registered sale deeds on 6.12.2012. The land is situated in Sy.Nos.368/1 of Merlapaka village, Yerpedu Mandal. Originally, it was assigned in favour of P.Veeraswamy on 15.3.1988 and he in-turn sold the said land to four purchasers including one Muruga Reddy. The said Muruga Reddy died leaving behind his wife and the land was subdivided as 368/1. The petitioner applied for conversion of the land from agricultural to non-agricultural purpose and the same was rejected by order dated 22.1.2013. Challenging the said rejection, the petitioner filed WP.No.2162 of 2013 and this Court allowed the said Writ Petition based on GO.Ms.No.1745 Revenue department dated 28.8.1959 by order dated 8.2.2013. Thereafter, the land was converted as non-agricultural land and when the petitioner was commencing construction, it was informed to him that the land is proposed for the purpose of establishment of IIT and exgratia amount would be paid to the

said land under GO.Ms.No.1307 Revenue (Assign.) department dated 23.12.1993. The petitioner filed a representation on 9.2.2015 stating that the land was purchased for establishing industry and nearly Rs.3 crores were spent by it. Thereafter, when there was an issue to pay compensation @ Rs.10 lakhs per Acre, the petitioner gave his consent. The Tahsildar, Yerpedu served copy of the proceedings dated 20.3.2015 on the petitioner on 12.9.2015 stating that the lands are needed for public purpose and exgratia would be paid as per Go.Ms.No.428 Revenue (Asst-I) department dated 25.4.1992. The petitioner submitted his explanation earlier on 9.2.2015. The petitioner also filed a representation before the Joint Collector on 18.9.2015. The petitioner was told that the District Collector was not inclined to allot any alternate land and petitioner will not be paid any developmental expenditure spent on the land. Thereafter, when an order of resumption was passed on 20.3.2015, the present Writ Petition was filed.

3. Now a counter affidavit is filed by the 3rd respondent stating that after re-organization of the state of Andhra Pradesh, the Government of India proposed to establish IIT in Andhra Pradesh and accordingly, Government issued Go.Rt.No.92 Higher Education (EC.A2) department dated 24.3.2015 for the purpose of establishment of IIT. The land of

an extent of Ac.520.00 was identified in Sy.No.1 including the land belonging to the petitioner. The assignment earlier issued in favour of the petitioner's vendors vendor was cancelled by proceedings dated 20.3.2015 and the land was handed over to IIT on 21.10.2015. Ultimately, it is stated that the District Collector, Chittoor, by his proceedings dated 27.1.2015, directed to treat the said lands as patta lands and also instructed to send proposals under Right to Fair Compensation for payment of ex-gratia on par with patta lands. It is also stated that action is being taken for acquisition of lands under Right to Fair Compensation and LARR Act, 2013 in due course.

4. It is clear from the above facts that the petitioner purchased the land of an extent of Ac.12.00 under four registered sale deeds and the petitioner was in possession of the same. Though originally, it was assigned land, by virtue of GO.Ms.No.1745 Revenue department dated 28.8.1959, the nature of assignment has changed and it became a patta land and the said position was noticed by this Court in WP.No.2162 of 2013 dated 8.2.2013 and the petitioner was permitted to convert the agricultural land to non-agricultural purpose. Thereafter, the proceedings were issued considering the assignment by order dated 20.3.2015 and the present Writ Petition is filed. In the counter affidavit it is stated that steps

are being taken for payment of market value on par with patta land holders and also proceedings are being taken for acquisition of land under the provisions of Right to Fair Compensation and LARR Act, 2013 Act. It is also stated that the possession was already handed over to the IIT authorities on 21.10.2015 itself.

5. In the circumstances, in view of the undertaking given by the respondents 2 and 3, there shall be a direction to the respondents 2 and 3 to pay the market value for the land taken possession or acquired under the provisions of Right to Fair Compensation and LARR Act, 2013 Act and complete the same, within six months from the date of receipt of a copy of this order.

6. Writ Petition is accordingly, allowed by setting aside the impugned order of resumption dated 20.3.2015.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 20.2.2018

KPM