

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3556 OF 2013

ORDER:

The petitioner states that he is a retired railway employee and he purchased an extent of Acres 4.85 cents of land situated in Survey No.903 at Kodur Bit-2 Village, T.P.Gudur Mandal, Nellore District, from its rightful owner, Kapauluru Janardhan Reddy, under Registered Document No.922/2004, dated 31.08.2004. He has three sons and they are all un-employees and they are depending on the agriculture income. While so, the District Collector, issued a notification under Section 4(1) of the Land Acquisition Act (herein after, 'the Act') proposing to acquire the said land for the purpose of house sites to weaker sections. The notice under section 5(A) was dispensed with. A declaration under Section 6 of the Act was also published on 20.10.2005. In those circumstances, petitioner filed W.P.No.8985 of 2007 challenging the acquisition. In the said declaration the name of the petitioner was shown in the enjoyer column, whereas name of the vendor was shown in Pattadar column. The said writ petition was admitted on 26.04.2007 and is pending. While so, when the respondents came to the land and asked the petitioner to vacate, he enquired them and came to know that the land is a surplus land determined under the provisions of Land Reforms (Ceiling on Agricultural Holdings)

Act, 1973, pursuant to an order by the 1st respondent on 21.09.2012. He came to know that appropriate notices were issued to the original declarant and he was not put on notice. In those circumstances, he filed the present writ petition challenging the proceedings of the 1st respondent dated 21.09.2012.

2. If the petitioner is aggrieved with regard to the order passed by the 1st respondent on 21.09.2012 in a declaration filed by V.Vijaya Lakshmi, the appropriate remedy of the petitioner is to approach the Land Reforms Tribunal but not this Court. If he has any grievance with regard to surrender of the land or otherwise, he has to make an application under the provisions of the said enactment. The petitioner is, accordingly, given 30 days of time for taking appropriate steps.

3. Accordingly and with the above observation, this writ petition is dismissed. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.RAMALINGESWARA RAO, J

07.02.2018
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