

THE HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.13583 of 2007

ORDER:

This Writ Petition is filed seeking the following relief:

“To issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not paying the compensation to the petitioner for the acquired land an extent of Ac.5.00 situated in Sy.No.340/1B1 of Penubarthy village, Rapur Mandal, Nellore District is illegal, arbitrary and violation of Articles 14 and 21 of the Constitution of India in spite of representations dated 5.9.2006 and 9.3.2007 made by the petitioner and consequently direct the respondent to pay the compensation to the petitioner for the acquired land an extent of Ac.5.00 situated in Sy.No.340/1B1 of Penubarthy village, Rapur Mandal, Nellore District on par with the neighbouring assigned land owners in Sy.No.340 and pass such other order or orders as this Hon'ble Court may deem and proper in the circumstances of the case.”

It is the case of the petitioner that his father was assigned land to an extent of Ac.5.00 in Sy.No.340/1B1 of Penubarthy village, Rapur Mandal, Nellore District in the year 1971 vide Patta No.366 and the said land was in cultivation. The father of the petitioner died on 9.9.1979. Thereafter, the petitioner is in possession of the land. But, to his surprise, the said land has been acquired by the respondent for the purpose of Telugu Ganga Project and the land was submerged and no compensation was paid. The petitioner represented before the respondent through representations dated 5.9.2006 and 9.3.2007 requesting to pay the compensation.

It is well settled law that the authorities cannot enrich themselves at the cost of the citizen and, at the same time, they cannot deprive the citizen of his legitimate right. The petitioner is also entitled for compensation under the Land Acquisition Act as per the law laid down by this Court in **LAO-cum-Revenue Divisional Officer v. Mekala Pandu**¹ .

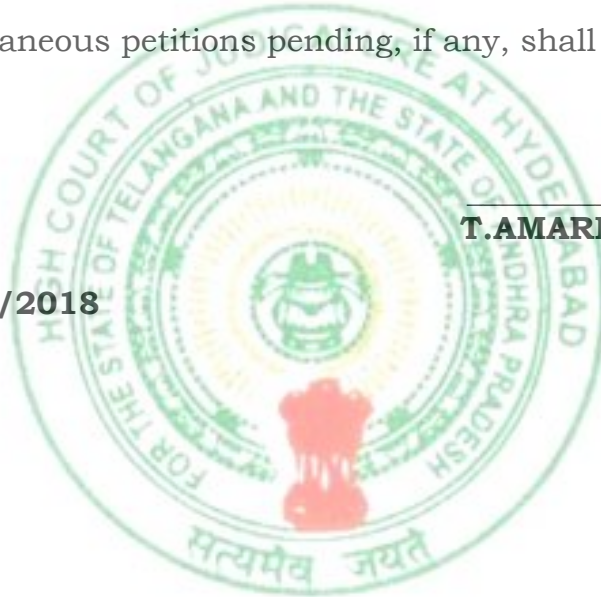
In view of the above, this Writ Petition is allowed directing the respondent to consider the case of the petitioner and grant compensation without any further delay, preferably within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 26/06/2018

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¹ 2004(2) ALD 451 (LB)