

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.11858 OF 2007

ORDER:

This writ petition is filed seeking to declare the notification No.B1/302/06, dated 23-06-2006 issued by the 1st respondent under Section 4 of the Land Acquisition Act, 1894 (for short, the Act), in respect of the lands in Sy.Nos.193/1/A2, 197/4/A2 and 197/2B, situated at Hasmsavaram Village, Tuni Mandal, East Godavari District, as illegal.

2. It is the case of the petitioners that petitioners 1 to 4 are the owners of the lands admeasuring Ac.16.71 cents in Sy.No.193/1/A2 and Ac.13.38 cents in Sy.No.197/4/A2, situated at Hamsavaram Village, Tuni Mandal, East Godavari District, having succeeded the same from their ancestors, while petitioner No.5 is the owner of the lands admeasuring Ac.1.19 cents in Sy.No.80/1, Ac.1.17 cents in Sy.No.80/2 and Ac.0.80 cents in Sy.No.80/3, situated at Cherpur Village, Tuni Mandal, East Godavari District. While so, the subject lands were required for construction of main left canal of Indira Sagar Project (Polavaram) and that the same have been acquired initially by giving notification under Section 4(1) of the Act and thereafter, urgency clause has been invoked. Though possession of the lands was taken way back in the year 2007 itself and an Award has been passed, compensation was not paid to the petitioner and they were left unattended by the respondents.

3. Heard.

4. Originally, the present writ petition was filed by petitioners 1 to 5 and thereafter, petitioners 1 to 4 have withdrawn the writ petition and the same has been dismissed as withdrawn by order of this Court dated 7-11-2015 in W.P.M.P.No.33489 of 2015.

5. The respondents filed counter affidavit, but they did not state anything about the payment of compensation to the petitioners.

6. The action of the respondents in acquiring the lands by depriving the valuable rights of the citizens without paying fair compensation is unjust, highhanded and gross violation of constitutional rights of the citizens.

7. Accordingly, the writ petition is disposed of, directing the respondents to pay the compensation and all other benefits as applicable under law to the 5th petitioner within a period of three months from the date of receipt of a copy of this order. No order as to costs. As sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 3-08-2018

Shr