

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P. Nos.30044 and 38927 of 2018COMMON ORDER:

The subject matter in these two writ petitions being inter-connected, they are being disposed of by a common order.

2. W.P.No. 30044 of 2018:

(i) The petitioner claims that he is the owner of land to an extent of Ac.17.72 cents in Survey Nos. 54-D, 54-C and 54-A of Chapurallapalli Village, Ananthasagaram Mandal, SPSR Nellore district. According to the petitioner, this land was acquired, and even though several representations were made by him to pay compensation, so far, compensation is not paid.

(ii) Along with the counter affidavit, the respondents filed the Award passed on 21.04.2018. From the Award proceedings, it is seen that the land in Survey No. 54/ 1 of four different extents, cumulatively coming to Ac.13.56 cents was acquired. The name of the petitioner is not shown in the land acquisition proceedings, but the names of some other persons are shown. The Award passed by the Land Acquisition Officer on 21.04.2018 is not under challenge and the parties therein are not parties in the writ petition. No explanation is forthcoming as to how subdivisions 54-D, 54-C and 54-A are determined. Except claiming that the original owner of the land in Survey No.54 is one Somi Reddy, no other material is placed on record to link the survey numbers mentioned in the Award to the survey numbers claimed by the petitioner.

(iii) In the absence of challenge to the Award dated 21.04.2018, the relief sought for in the writ petition cannot be granted.

(iv) The writ petition is accordingly dismissed, leaving it open to the petitioner to work out his remedies as available under law, if so advised, by assailing the Award dated 21.04.2018 or seeking apportionment of compensation.

3. W.P.No. 38927 of 2018:

(i) This writ petition is filed by the petitioners contending that they are owners of the land to an extent of Ac.6.56 cents, Ac.3.00 cents and Ac.2.00 cents respectively in Survey No. 54-1 of Chapurallapalli Village, Ananthasagaram Mandal, SPSR Nellore district. The grievance of the petitioners is that even though an Award was passed on 21.04.2018, so far, compensation is not paid to them, and the same is illegal. Praying to declare the action of the respondents in not releasing the compensation amount awarded in the Award dated 21.04.2018, this writ petition is filed.

(ii) As could be seen from the counter affidavit filed in W.P.No. 30044 of 2018, the Land Acquisition Officer seems to have received rival claims for payment of compensation. In paragraph (13) of the counter affidavit, it is stated that the matter is being referred to the Land Acquisition, Rehabilitation and Resettlement Authority under Section 64. However, the learned Government Pleader is not clear whether reference was already made.

(iii) As noted above, the rival claim by the petitioner in W.P.No. 30044 of 2018 is based on his contention that he is the owner of land to an extent of 17.72 acres in Survey Nos. 54-D, 54-C and 54-A, whereas in the Award passed by the Land Acquisition Officer, the Survey Number mentioned is 54/ 1. It appears there is no rival claim for Survey No. 54/ 1. The learned Government Pleader also submits that the villagers have

filed a complaint, alleging that the original owner voluntarily relinquished the land as early as in the year 1971 for public purpose, and therefore, the question of payment of compensation does not arise.

(iv) Having regard to the rival claims, and the objections received from the villagers, the Land Acquisition Officer is directed to look into the revenue records and if there is no other material to show that there is any rival claim to the land in Survey No. 54/ 1, the complaint filed by the villagers is found to be not true, and if the matter is not referred to the Land Acquisition, Rehabilitation and Resettlement Authority, the petitioners in W.P.No. 38927 of 2018 be paid compensation. However, this order does not come in the way of the petitioner in W.P.No. 30044 of 2018 to work out his remedies and payment of compensation to the petitioners in W.P.No. 38927 of 2018 shall abide the claim made by the petitioner in W.P.No. 30044 of 2018.

(v) Accordingly, this writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

P.NAVEEN RAO, J

Date: 04.12.2018
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