

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.31007 of 2018

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Land Acquisition for respondents.

2. The petitioner herein has assailed endorsement dt.17.04.2018 of the 2nd respondent rejecting petitioner's claim for compensation of the subject land on the ground that the petitioner did not produce the documents on which he is relying on when the matter was listed on 22.03.2018 and on 27.03.2018.

3. The counsel for petitioner contended that the pattadar pass books issued to petitioner were in a Nationalized Bank; that due to holidays the Bank Manager was not available and he requested time to produce attested copies of the pattadar pass books, that the matter was adjourned to 27.03.2018; that on 27.03.2018, the petitioner did produce the original documents, but the 2nd respondent's Office refused to give an acknowledgment of the documents and the impugned order was passed.

4. The counsel for petitioner has produced the originals of the patta granted to petitioner's father and mother as well as pattadar pass books for the subject lands before this Court and stated that the petitioner will produce the same before the 2nd respondent if given an opportunity to do so.

5. Though the learned Government Pleader for Land Acquisition opposed the same, it is noted that between 22nd March, 2018 and 4th April, 2018 there are Bank Holidays, viz., on 24th, 25th, 26th, 29th, 30th of March, and also on 1st of April, 2018.

6. This is not disputed by the learned Government Pleader for Land Acquisition.

7. The petitioner cannot be compelled to produce documents which are in the Bank when the Bank is closed or the Bank Manager is absent. Moreover, the petitioner claims to have produced these documents on 27.03.2018, and it is alleged that acknowledgment of receipt of the originals was not being given by the Office of the Joint Collector.

8. This is a serious allegation, and if true, throws a doubt on the conduct of Officials of the Joint Collector.

9. Since the original documents have been produced before this Court and it is clear that the petitioner has possession of them and petitioner is entitled to produce them before the Joint Collector and have them considered, the impugned endorsement is set aside.

10. The matter is remitted back to the Joint Collector (2nd respondent). The petitioner shall produce the originals of the patta books and patta in original before the 2nd respondent, and their receipt shall be acknowledged by the 2nd respondent or his office; the 2nd respondent shall then pass a reasoned order on the claim of petitioner

for compensation for the subject land after considering the said documents, and he shall communicate the same to petitioner within four (04) weeks of submission of such documents.

11. Accordingly, the Writ Petition is allowed. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17.09.2018

Ndr/*

