

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8869 of 2011

ORDER:

The controversy in the present Writ Petition is in relation to payment of compensation for acquisition of the land, situated in Sy.No.58/129, over an extent of Ac.4-03 guntas, at Bagayath Ibrahimpatnam village.

2) In view of the various subsequent developments, which have taken place, it is not necessary for this Court to narrate the entirety of the pleadings of the respective parties and it is sufficient to mention some of the facts, which are undisputed at this point of time, for disposal of the Writ Petition.

3) It is the case of the petitioner that subject land was acquired by the Government by issuing Notification, dated 15.03.2010, under Section 4(1) of the Land Acquisition Act, 1894 (in short "the Act"). It is the further case of the petitioner that she, being the legal heir and successor of one Kondru Veeraiah, became the owner of the property and thus, she is entitled to receive the compensation, to be paid in terms of the Act. Whereas, it is the complaint of the petitioner, the 3rd respondent by misrepresenting the Land Acquisition Officer, is trying to take away the compensation amount.

4) Initially, while admitting the Writ Petition, interim order came to be passed on 01.04.2011. However, the said interim order came to be vacated, on 04.01.2013, on the Application of the 3rd respondent. While disposing of the Vacate Petition, this court recorded as follows:

“In the counter filed in support of the vacate stay application, it is inter alia stated that the patta granted in favour of the writ petitioner was cancelled on 26.02.2011. This Court has dealt with a similar case in W.P.No.29367 of 2010, which was disposed of by order dated 22.12.2011, holding that as the patta granted to the petitioner therein was cancelled, no relief could be granted and that if the petitioner therein feels aggrieved by the cancellation of patta, he is entitled to avail appropriate remedy in accordance with law before the competent Court.

Inasmuch as the patta granted to the writ petitioner was cancelled by the Andhra Pradesh Bhoodan Yagna Board – respondent No.1 in the writ petition and as it is stated that in view of cancellation of patta in favour of the writ petitioner, earlier patta granted to respondent No.3 in the writ petition stood revived, the said respondent cannot be restrained from receiving compensation. Hence, interim order dated 01.04.2011 is vacated.”

5) As on today, the petitioner has not challenged cancellation of patta granted in her favour, vide orders dated 26.02.2011. It is also submitted across the Bar by the learned counsel for the 3rd respondent that the Land Acquisition Officer has, in fact, paid the compensation to his client, which submission has not been controverted by the learned counsel for the petitioner. In those circumstances, there is nothing required to be adjudicated in the present Writ Petition, except leaving it open to the petitioner to work out her remedies in accordance with law.

6) Accordingly, the Writ Petition is closed. No costs.

Consequently, the Miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Date: 01.11.2018

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