

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition no.37308 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“..to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying compensation for the land belonging to the petitioner to an extent of Ac.6-00 cents situated in Sy.No.589 to 605 & 609 Kadivedu village, Chillakur Mandal, SPSR Nellore District, taken by respondents for the purpose of Minor of Kadivedu (16 L) Major Distributory Canal, as illegal, arbitrary, void, unjust and against articles 14, 21 and 300-A of Constitution of India and against the provisions of Act 30/2013 and direct the respondents to pay compensation to the petitioners in accordance with the provisions of Act 30/2013, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri Chetluru Sreenivas*, learned counsel appearing for the petitioners; of the learned Government Pleader for Land Acquisition (AP) appearing for respondents 1, 3 & 4; and, of the learned Government Pleader for Revenue (AP) appearing for the respondents 2, 5 & 6. I have perused the material record.

3. At the hearing, learned counsel appearing for the petitioners, having reiterated the averments in the affidavit filed in support of the writ petition & invited the attention to the proceedings, dated 27.07.2018, of the Tahasildar, Chillakur, addressed to the Special Deputy Collector, Land Acquisition, TGP, Nellore Unit, contended as follows: 'The land of an extent of Ac.5.00 cents in Sy.nos.589 to 601, 602, 603, 604, 605 and 609 was acquired for excavation of TGP canal. The said lands in the said survey numbers are patta lands. Pattadar passbooks in

respect of various extents of the said lands in the said survey numbers have already been issued to the respective owners of said extents of the lands. Pattedar passbooks were also issued to the petitioners in respect of the subject lands in the said survey numbers. The factual position is not in dispute. Therefore, the petitioners are entitled to payment of compensation for the lands acquired and utilized for digging up and formation of TGP canal. Despite several requests, compensation is not paid and the requests for payment of compensation were not considered. Hence, the writ petition is filed.'

4. Learned Government Pleader for Land Acquisition, on written instructions, dated 09.10.2018, a copy of which is placed on record, would submit as follows: 'The Special Deputy Collector, Land Acquisition, TGP, is already informed of the necessary facts, by letter, dated 27.07.2018, which is also referred to in the submissions made by the learned counsel appearing for the petitioners herein. The TGP canal was already dug in the lands covered by the subject survey numbers. The petitioners are eligible for payment of compensation to the extent the TGP canal was dug up in their lands, if no compensation is paid to them till date.' He finally sought a time of more than three months for payment of compensation to the petitioners as per their entitlement and eligibility.

5. Recording the submissions, the Writ Petition is disposed of granting a time of three months to the respondents to pay compensation due to the petitioners in respect of their lands which were utilized for digging up of TGP canal, however, as per their entitlement & eligibility and in strict accordance with the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

05th November, 2018
RAR

M. SEETHARAMA MURTI, J

