

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37014 OF 2018

Dated:24.10.2018

Between:

Smt. Kota Lakshmi Prasanna,
W/o. Late Kota Venkata Satyavathamma,
Age 58 years, Occ: House Wife,
R/o.D.No.1-31-45, Yedlavalli Vari Street,
Nazar Peta, Tenali, Guntur and another

.. Petitioners

And

The State of Andhra Pradesh, rep., by
District Collector, Guntur District,
Guntur and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

2. According to petitioners, land to an extent of Acs.3.22 cents in Survey No.410 of Vinukonda Village, Guntur District, belongs to Sri China Hanumantha Rao @ Hanumanthaiah. After demise of Hanumanthaiah, the property had fallen to the share of his wife, by name, Smt. Venkata Subbamma. They were blessed with a daughter, by name, Smt. Venkata Sathyavathamma, who married Sri Kota Thirupathi Venkateswarlu. According to petitioners, after death of Sri Thirupathi Venkateswarlu, the property was recorded in the name of Kota Venkata Sathyavathamma, whereas name of Hanumanthaiah was recorded in the Resettlement Register. The owner of the property, Smt. Sathyavathamma, blessed with two daughters i.e., petitioners herein. According to petitioners, land acquisition proceedings were initiated in the year 1957 and award was passed vide Award No.9 of 1957 on 10.07.1957. According to them, though larger extent of land was notified for acquisition, the award passed on 10.07.1957 covered land to an extent of Acs.48.86 cents excluding the land in Survey No.410 to an extent of Acs.3.22 cents, claimed by the petitioners. However, according to petitioners, the said land was also utilized for development of residential houses and other structures in the process of construction of Nagarjuna Sagar Project. Petitioners instituted

this Writ Petition contending that as no award was passed for acquiring the land and no compensation was paid, the land should be resumed to them and not resuming the land is arbitrary and illegal.

3. From the facts, as briefly noted above, apparently petitioners are third generation claiming as successors to the original owner of the property, namely, Sri China Hanumantha Rao @ Hanumanthaiah. The acquisition proceedings relate to the year 1957. The land claimed by petitioners was utilized for construction of residential houses and other structures for the purpose of Nagarjuna Sagar Project. It is not known whether this piece of land was not included in the award and if not included in the award passed, it is not known why the original owner of the land did not protest or whether he agreed to surrender the land to Government or he was paid compensation. The affidavit does not disclose as to when the original owner of the property demised and later the successors of the original owner demised and whether original owner or his successors protested against taking possession to construct residential township for the project employees. The fact remains that land was taken possession by the Government in the year 1957 and the same was utilized for the purpose of project; petitioners claimed to have made representations only recently for resumption of land by claiming that the land was never acquired and this Writ Petition is filed in the year 2018.

4. Having regard to the facts noted above, the Court is not inclined to grant the relief as prayed for, at this distance of time.

The Writ Petition merits no consideration and the same is accordingly dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:24.10.2018

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