

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.38477 OF 2018

Date:31.10.2018

Between:

Yadala Satyanarayana, S/o. Venkanna,
Aged 66 years, R/o. H.No.1-169,
Reddyganapavaram Village, Buttaigudem
Mandal, West Godavari District

.. Petitioner

And

The Union of India, rep., by its
Principal Secretary, Irrigation and
Common Area Development,
Secretariat, Velgapudi, Amaravathi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Irrigation appearing for respondent No.1 and learned Government Pleader of Land Acquisition appearing for respondent No.2.

2. On 23.08.2017, acquisition notification in Form-VI(A) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short, 'the Act') was issued for acquiring different extents of lands for the purpose of Polavaram Project. On 22.08.2018, declaration under Section 19 (1) of the Act was issued. In the notification, item Nos.216 and 217 pertain to petitioner's family. Survey No.292/1 comprised of total extent of Acs.3.49 cents and out of the said land, land to an extent of Ac.1.75 cents stands in the name of Tonam Nagamani, wife of Pothuraju, and land to an extent of Ac.1.74 cents stands in the name of Yadala Laxmana Swamy, son of Venkanna. According to petitioner, land to an extent of Ac.1.74 cents is joint family property and therefore petitioner and the 3rd respondent, being brothers, are entitled to equal shares of the said extent of land and also apportionment of compensation equally. Having come to know about initiation of land acquisition proceedings and reflecting the name of only the 3rd respondent, petitioner submitted representation dated 24.09.2018. Alleging inaction, this Writ Petition is filed.

3. A bare perusal of the representation, dated 24.09.2018, enclosed as Ex.P3 would show that as per the revenue records, name of the 3rd respondent is reflected for the entire extent of land of A.1.74 cents in Survey No.292/1. Further, petitioner himself mentions that the 3rd respondent obtained judgment in his favour behind his back and thus the name of the 3rd respondent is reflected in the revenue records. If that being so, petitioner cannot compel the respondent authorities to apportion the compensation amount to him. Unless the revenue records are changed or if a decree was already passed to reverse the decree or to obtain a decree to partition the properties, if he is entitled, the action of the respondent authorities in reflecting the name of the 3rd respondent only in the land acquisition proceedings cannot be faulted.

4. Leaving it open to the petitioner to work out the remedies as available in law on his claim that he is entitled to 50% of the compensation that can be paid on the land to an extent of Ac.1.74 cents in R.S.No.292/1 of Reddyganapavaram Village, Buttaigudem Mandal, East Godavari District, the Writ Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:31.10.2018

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