

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39168 OF 2018

DATED :31.10.2018

Between :

Sariyam Ranga Rao S/o.Venkat Rathnam,
Age 45 yrs, Schedule Tribe,
Occu : Agriculture, R/o.Madhavaram Village,
Kukunoor Mandal, West Godavari District,
Andhra Pradesh & others.

..

Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue (L.A) Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & others

..

Respondents



This court made the following :

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ORDER :

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

2. Petitioners claim that they are the owners of lands to an extent of Ac.7-10 guntas in Sy.No.135/71, Ac.2-30 guntas in Sy.No.135/51, Ac.10-00 in Sy.No.40/2 of Damaracherla Village, Kukunoor Mandal, West Godavari District, Ac.5-00 in Sy.No.135/72 and Ac.10-00 in Sy.No.40/1 of Polavaram Village, Kukunoor Mandal, West Godavari District.

3. According to petitioners Ac.5-00 of land in Sy.No.40/1, Ac.5-00 of land in Sy.No.40/2 was only acquired and compensation was paid. But for the rest of the lands compensation is not paid. Alleging inaction in acquiring the lands and payment of compensation even though the lands are sub-merged, a representation is made to the Special Deputy Collector/Land Acquisition Officer-cum-Sub-Collector, Polavaram Irrigation Project, Kota Ramachandrapuram, on 17.10.2018. Alleging inaction on the said representation, this writ petition is filed.

4. Two things to be noticed in this writ petition. Firstly the representation is addressed to the Special Deputy Collector requesting him to pay compensation in respect of the balance of lands mentioned above. The Special Deputy Collector initiates the process of acquisition and takes further steps only if an

indent is placed before him by the requisition Department and after money is made available to him. He has no independent role in notifying a particular piece of land for acquisition or payment of compensation by accepting the contention of petitioners that their lands are also falling into sub-mergence. Secondly, the said representation was made on 17.10.2018 sent by way of registered post and soon thereafter, this writ petition is filed. Petitioners cannot expect a decision soon after a representation is made.

5. Be that as it may, as the Irrigation Department is the concerned department which deals with Polavaram Irrigation Project. It is for the petitioners to represent to the competent authority in the Irrigation department bringing to their notice that they own extents of land mentioned above and the said lands are also falling into sub-mergence, therefore, the lands should be acquired and/or compensation be paid.

6. Having regard to the above, granting liberty to the petitioners to make representation to the concerned authorities of Irrigation Department, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

31st October, 2018
Rds

P.NAVEEN RAO,J