

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.39415 of 2018

ORDER:

This writ petition is filed for issuance of a mandamus, declaring that the writ petitioners are entitled to receive compensation in respect of land admeasuring Ac.5.00 cents in Sy.No.604/A of Gani village, Gadivemula Mandal, Kurnool District.

Heard both sides.

Considering the nature of the relief and as no useful purpose would be served if the writ petition is kept pending, with the consent of the learned counsel for the writ petitioners and after hearing the learned Government Pleader, the writ petition is being disposed of at the admission stage.

As per the writ affidavit, the petitioners claim that they are owners of the land over an extent of Ac.5.00 cents situated at Gani village, Gadivemula Mandal of Kurnool District in Sy.No.604/A, having acquired the same as successors-in-interest of one late Abdul Azeez, husband of the 1st petitioner, and father of petitioners Nos.2 to 5. The land in Sy.No.604/A was acquired by respondents Nos.1 to 3 for setting up of a solar power plant. In normal circumstances, the petitioners ought to have been given compensation amount that is payable to the land. However, it is the assertion of the petitioners that respondent No.4-C.Sarojamma, with the help of local revenue officials, manipulated the revenue records and could obtain pattedar passbook for the said survey number. In those circumstances, the petitioners made a representation on 18.08.2018 to respondent No.3 raising specific objections for payment of compensation

amount to respondent No.4. The petitioners apprehend that without considering their representation, dated 18.08.2018, the compensation amount would be paid to respondent No.4 for the land in question.

Learned Government Pleader submits that it is only apprehension of the petitioners that respondent No.3 would not consider and take into consideration the objections raised by the petitioners in payment of compensation amount to the subject land.

In those circumstances, in order to put quietus to the issue, the writ petition is disposed of, with a direction to respondent No.3 to pass a reasoned order, after considering the objections raised by the petitioners, duly giving notice to respondent No.4. If respondent No.3 is unable to decide the title to the property in question, the respective parties may be relegated to the Civil Court to establish their respective claims. Till passing of appropriate orders by respondent No.3, the compensation amount shall not be disbursed to any of the parties.

Subject to the above, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

CHALLA KODANDA RAM,J

Date: 02.11.2018
Dsr

Note:
Furnish copy in three days
B/o
Dsr