

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.40478 OF 2018

Date:16.11.2018

Between:

Mudium Suresh, S/o. Babu Rao,
Aged 38 years, Koya by caste,
R/o. Kamayyakunta Village,
Buttaigudem Mandal, West
Godavari District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Velagapudi, Amaravathi,
Guntur District and others

.. Respondents



This Court passed the following order:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.40478 OF 2018****ORDER:**

Heard.

2. Petitioner claims to be a tribal living in agency area. According to him, land to an extent of Acs.8.65 cents in R.S.No.313/1 situated at Reddyganapavaram Village, Buttaigudem Mandal, West Godavari District, was acquired for Polavaram Irrigation Project. Petitioner alleges that respondent No.4 is a non-tribal; the subject land was purchased by him after commencement of Land Transfer Regulation No.1 of 1970; therefore such purchase is void *ab initio* and respondent No.4 is not entitled to receive compensation. Petitioner filed a complaint on 30.06.2017 before the Special Deputy Collector (Tribal Welfare), K.R. Puram, Buttaigudem Mandal, West Godavari District, but no action is taken. Thereafter, petitioner filed another complaint, dated 08.10.2018, before the Land Acquisition Officer and though the same was acknowledged by the office, no steps are taken so far. Hence, this Writ Petition.

3. According to learned Government Pleader for Land Acquisition, as per the instructions furnished to her, no such complaint was lodged by petitioner and since no complaint is pending with the respondent authorities, steps are being taken to release the compensation amount to respondent No.4.

4. Learned counsel for the petitioner asserts that respondent No.4 is a non-tribal and purchase of the subject land is made after commencement of Land Transfer Regulation No.1 of 1970.

5. Though it is alleged that the purchase of subject land is made after commencement of Land Transfer Regulation No.1 of 1970, when the respondent authorities dispute filing of complaint by the petitioner, no relief as sought for by the petitioner can be granted. However, liberty is granted to the petitioner to file an appropriate complaint before the Land Acquisition Officers i.e., respondents 2 and 3 enclosing all the relevant documents in support of his claim. If such complaint is filed within one week from today, the same shall be examined and suitable decision be taken by the respondent authorities before releasing compensation to respondent No.4. If the competent authority is *prima facie* in agreement with the contention of the petitioner, respondent No.4 shall also be put on notice and after affording due opportunity to respondent No.4, decision shall be taken within three weeks from the date of receipt of complaint. Till a decision is made on a complaint filed by the petitioner, if such complaint is filed within one week from today, compensation shall not be released to respondent No.4. It is made clear that there is no expression of opinion and the rights of respondent No.4 are preserved and it is open to him to make appropriate submissions before the competent authority.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:16.11.2018

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