

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43891 OF 2018

DATED :06.12.2018

Between :

Gaddam Narayana Reddy S/o.Veera Reddy,
Aged 66 yrs, Occu : Cultivation,
R/o.H.No.1-43/1, Burugugudem Village,
Chatrai Mandal, Krishna District.

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Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Revenue (Land Acquisition), Department,
Secretariat, Velagapudi,
Amaravathi, Guntur District & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 3 and learned Government Pleader for Revenue for respondent No.4.

2. Petitioner claims to be the owner of land to an extent of Ac.3.82 cents in Sy.No.80/1A, Burugugudem Village, Chatrai Mandal, Krishna District. In the land acquisition proceedings, according to petitioner only Ac.0-38 cents of land was shown for acquisition. Whereas, respondents are trying to take possession of larger extent of land and the same is illegal.

3. *Prima-facie*, reading of the prayer and the averments would show that petitioner at that stage was contending that even before Award is passed, contrary to the land acquisition proceedings, petitioner is sought to be dispossessed from the larger extent of land than the land proposed for acquisition.

4. However, the instructions furnished to learned Government pleader would show that Award was passed vide Award No.21/2018-19 dated 21.06.2018 with reference to the additional extent of land i.e., Ac.0-26 cents in addition to Ac.0-38 cents reflected against the name of petitioner. There are rival claimants and one Gaddam Papayamma appears to be in possession to that extent of land. In view of the rival claims, the land acquisition officer now intends to refer to the competent authority to decide the entitlement. Thus, what is contended by

learned counsel for the petitioner is not correct. When an Award is already passed and when there are rival claims, the issue has to be resolved by the competent authority before apportionment or determination of competency to receive the compensation. Therefore, the prayer sought in the writ petition cannot be granted.

5. Writ Petition is accordingly dismissed, leaving it open to the petitioner to work out his remedies, if so advised, against the Award passed or on the issue of referring to competent authority regarding determination and entitlement of receiving compensation to the remaining extent of Ac.0-26 cents. Pending miscellaneous petitions shall stand closed.

6th December, 2018
Rds

P.NAVEEN RAO,J

