

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5843 OF 2016

ORDER :

To declare the action of Respondents 2 and 3 – Special Deputy Collector, Telugu Ganga Project, Rapur and Tahsildar, Kaluvaya Mandal, in proceeding to pass an Award and pay the compensation in favour of the 4th respondent for the land belonging to the petitioner's father, in an extent of Ac.0.65 cents in Survey No. 642-2C, situated at Kanupurpalli Village, Kaluvaya Mandal, Nellore District, without considering the petitioner's claim/representations, dated 10.01.2016 and 13.02.2016, as illegal and arbitrary, this Writ Petition has been filed.

It is stated, the petitioner's father, who died in 2014, was the absolute owner and possessor of the subject land. While so, the 4th respondent, who is the owner of Ac.1.75 cents, was shown as the owner of extent of Ac.2.40 cents in Survey No.642, which includes the subject land. The petitioner claims, she got issued a legal notice dated 10.01.2016 to the 2nd respondent bringing to his notice the above fact and requested him to refer the matter to the competent civil Court. The case of the petitioner is that herself and the 4th respondent are entitled to receive the compensation in respect of the land in Survey No. 642-2C over an extent of Ac.0.65 cents. Now, it is the apprehension of the petitioner that the entire compensation would be paid to the 4th respondent alone.

While admitting the Writ Petition on 08.03.2016, this Court directed Respondents 2 and 3 not to disburse the compensation amount in respect of the subject land to the 4th respondent without considering the petitioner's claim over it.

Today, learned counsel for the petitioner as well as Sri L.V.S. Nagaraju, learned counsel for the 4th respondent submit that both the parties have arrived at a compromise, under which, the writ petitioner will forego an extent of Ac.0.25 cents and the 4th respondent will have no objection to pay the compensation in favour of the petitioner in respect of Ac.0.40 cents of land. To that effect, both the parties have filed a compromise memo before this Court.

Inasmuch as, as on date, the 2nd respondent Land Acquisition Officer - Special Deputy Collector, has been prevented from passing an Award, the Writ Petition is disposed of with a direction to the 2nd respondent to take into consideration the compromise memo filed by the petitioner and the 4th respondent and pass an Award, in terms thereof. No costs.

Registry is directed to annex to the order now passed the compromise memo dated 16.03.2018 filed before this Court.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

16th March 2018

Issue CC in a week.
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