

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.43853 OF 2018

O R D E R

The case of the petitioner is that his land was acquired for formation of Bypass road from national highway 221 and he was paid compensation as per the award passed by the Land Acquisition Officer. On the ground that he was paid compensation in excess of his entitlement, 2nd respondent – Tahsildar, vide impugned notice dated 18.06.2018, directed the petitioner to deposit an amount of Rs.16,21,895/-. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner was not paid any excess compensation and that before directing the petitioner to pay the said amount, no notice was issued, and that though the petitioner filed explanation on 21.06.2018 justifying the receipt of compensation, 2nd respondent has not considered the same and withdrawn the impugned notice.

Learned Assistant Government Pleader for Revenue producing written instructions of the 2nd respondent – Tahsildar, submitted that after enquiry, letter was addressed by the Joint Collector to the 2nd respondent to recover the said amount and, in pursuance of the same, impugned notice was issued to the petitioner directing to deposit the excess amount received by him.

Along with the written instructions, letter stated to have been addressed by the Joint Collector and other relevant material, are not produced to consider the factual scenario, and a perusal of the impugned notice also does not disclose that it was preceded with any notice giving opportunity to the petitioner.

In view of these facts and circumstances, before proceeding to recover the amount in pursuance of impugned notice dated 18.06.2018, 2nd respondent is directed to consider the representation of the petitioner stated to have been

made on 21.06.2018, and pass orders and thereafter, take action in accordance with law.

With the above direction, writ petition is disposed of. Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:13—12—2018

AVS

