

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40687 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of respondents in not paying compensation to the petitioner in spite of utilization of his land of Ac.3.00 guntas in Survey No.346 of Pakalagudem Village H/o Patwarigudem Village of Dammapeta Mandal of Bhadrachalam District for the purpose of construction Primary School Building and Anganwadi Center and construction of Indiramma Houses though the petitioner submitted repeated representations including dated 30.06.2014 as illegal irregular irrational and amounts to non-discharge of legal obligation conferred on them under the provisions of law and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents to pay compensation to the petitioner for the aforesaid land by invoking said statutory provisions of law and to pass.”

2. The learned Government Pleader produced before this Court the written instructions stating as follows:

“I invite kind attention to the references cited and submit that as per local enquiry, in Patwarigudem revenue village Sy.No.346 to an extent of Ac.5.28 Sri Kuram Mallappa, S/o. Mutyalu is the pattadar. Sri

Kuram Rajulu, Kuram Darappa, Kuram Laxmudu are legal heirs of the pattadar. Out of Ac.5.28 Sri Kuram Darappa was sold an extent of Ac.1.00 to Kaka Pasanna in the year 1991 and Sri Kuram Laxmudu has sold the land to an extent of Ac.1.00 Korsa Rajulu. (22) persons of their near relations were purchased the land Ac.2.10 and constructed the houses under Indiramma housing scheme. But the land was not taken under land acquisition for construction of Indiramma houses in this village.

Further it is to submit that as per the sworn statement of the village elders it is learnt that the then Gram Sarpanch has purchased the land and constructed the school building in Ac.0.15 gts. And Anganwadi centre was constructed in Ac. 0.15 gts. But land acquisition was not took place at that time. In remaining 2.28 gts. under the cultivation of the petitioner by growing oil garden. The statement of the village elders are recorded and submitted herewith for kind perusal.

In the year 2008 the petitioner has filed W.P. No.11821/2008 before the Hon'ble High Court. The Hon'ble court has passed orders disposing the writ petition "directing the respondent namely the District Collector, Khamam to consider the representation dt.8.5.2008 of the petitioner, conduct enquiry and pass appropriate orders in accordance with law. If in the enquiry it is found that the petitioner is entitled for compensation, the same may be paid to him expeditiously. In this case land acquisition was not taken place. Hence the petitioner not entitled for any compensation."

3. In view of the same, no further orders are required to be passed in the writ petition. Hence, the writ petition is closed.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.RAMALINGESWARA RAO, J

07.02.2018
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