

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 45363 of 2017

ORDER :

The grievance of the petitioner is that she had made a claim for compensation on 08.12.2017 with respect to the land in an extent of Ac.0.28 guntas in Survey No. 120/60 at Venkatapur Village, Siddipet Rural Mandal which was acquired for Mallannasagar Project (though it is stated as Kaleswaram-Pranahita project), but so far, the same has not been considered.

Learned Government Pleader for Revenue (Telangana) obtained written instructions from the Tahsildar, Siddipet (Rural) Mandal, wherein it has been stated that the subject land was originally assigned to Sri Totla Mallaiah, after whose death, the same was mutated in favour of his wife i.e. the petitioner, but however, she is not in physical possession of the land, instead, Sri Pulli Ramesh and Sri Pulli Prabhakar are in physical possession thereof. It is further stated that in Form-C notification published on 16.07.2017, the name of the petitioner and other two occupants were shown. Since there is an order from the civil Court, Sri Pulli Beeraiah and his sons Sri Pulli Ramesh and Sri Pulli Prabhakar are eligible to get the compensation in respect of the subject property.

Be that as it may, since in the copy of the pattadar passbook annexed at page No. 19 of the material papers, the petitioner has been shown as pattadar as well as occupier in respect of the subject land, as long as the patta issued in her favour is not cancelled, it cannot be said that the petitioner is not entitled to receive the compensation.

In that view of the matter, inasmuch as, as on date, admittedly, no Award has been made, the Land Acquisition Officer shall issue a notice before conducting the Award inquiry under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 and consider the claim of the petitioner for compensation, pass appropriate orders thereon and communicate the same to her.

The Writ Petition is accordingly, disposed of. No costs.

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

01st February 2018

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CHALLA KODANDA RAM, J

