

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26668 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“declaring the action of the respondents 2 to 4 in trying release compensation amount through cheques for left out cultivated field of Ac. 0.33 gts of petitioner No.1 and Ac.1.10 gts of petitioner Nos.2 and 3, situated at Yedula Village Gopalpet Mandal, Wanaparthi District, pursuant to the legal notice issued by the petitioners dt.01.11.2019, is illegal, arbitrary and violation of principles of natural justice and consequently direct the respondents not to release the compensation amount to the respondents 5 to 7 for the left out cultivated field of Ac.0.33 gts of petitioner No.1 and Ac.1.10 gts of petitioner Nos. 2 and 3 situated at Yedula Village, Gopalpet Mandal, Wanaparthi District.”

2. When the matter is taken up for hearing on 05.12.2019, this Court made the following order:

“The learned Assistant Government Pleader for Land Acquisition submits that has written instructions, the relevant portion which reads as follows:

“Further, the Tahsildar, Gopalpet, has submitted land compensation proposal and recommended vide Lr.No.B/106/2018, dt.19.01.2018 and issued proceedings by this office, further the District Collector has issued sanctioned orders vide Proceedings No.G/1106/2018, dt.29.04.2018.

The total land Ac.2.03 gts (0.33 + 1.10) is recorded in R.O.R. as of now in the names of Sri A.Bhaga Reddy, S/o Bucha Reddy, Sri Bheem Reddy S/o Kista Reddy and Smt. Kamalamma w/o Kista Reddy, compensation amount released in favour of pattadars, whoever on record and as per the proposal, recommended by the Tahsildar.

Since the writ petitioners not having title, not given objections in stipulated time before passing award, based on the proposal/recommendations of Tahsildar, award was

passed and compensation sanctioned for the title holders.

Writ Petitioners are not having title as per records.

Writ Petitioners are not having the title based on Revenue records, nor filed any objections within the stipulated time.”

The learned Government Pleader, therefore, submits that since amounts were already released in favour of the Pattadars on record, the relief sought for by the petitioners in this writ petition cannot be granted.”

3. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for respondents 1 to 4.

4. Since the petitioners have not filed any objections, in spite of giving opportunity, before the authorities concerned before passing the award in favour of the 5th respondent, the claim of the 5th respondent was considered and award was passed and compensation is sanctioned in his favour.

5. The disputed questions of fact cannot be decided in this Writ Petition. If the petitioners are aggrieved by passing of the award in favour of the 5th respondent, they are at liberty avail alternative remedy.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

9th December, 2019
YVL

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Date:09.12.2019

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