

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26853 of 2019

ORDER:

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

“to issue a Writ or Order or Orders or Direction mainly in the nature of Writ of mandamus declaring the inaction of the respondents in not passing the award in favour of petitioner as per the prevailing market value in respect of his land admeasuring Ac.3.00 in Sy.No.190/288 of Chandanvelli Village, Shabad Mandal, Chevella Division, R.R.District and for not considering his claim made thereunder and other statutory provisions of law is illegal, unjust, capricious, violative of Article 14, 16, 21 and 300A of the Constitution of India, beside in utter violation of principles of natural justice and consequently direct the respondents to consider the claim petition dated 18.4.2019 submitted by the petitioner for payment of compensation for the 3 acres land acquired, by referring to the Authority constituted under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 under section 76 of the act or in the alternative to pay compensation as per the present market value for the entire land held by the petitioners.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for the respondents.

3 The case of the petitioner is that originally his brother by name N.Balaiah was the absolute owner and possessor of the subject lands situated at Chandanvelli Village, Shabad Mandal, Chevella Division, Ranga Reddy District. After death of his brother, the petitioner succeeded to the subject property, as his brother had no children and no other heirs except him. The

brother of the petitioner was also issued pattadar passbooks and title deeds in respect of the subject lands. While so, the respondent authorities issued notification acquiring certain lands in the subject survey number. It is also stated that in the said notification, the petitioner's brother name is not mentioned, but the Government acquired the subject land and not allowing the petitioner to do agriculture work. It is stated that after death of his brother, when the petitioner approached the Revenue authorities for mutation of his name in the revenue record, he was informed that the subject land was acquired for public purpose.

4. The grievance of the petitioner is that without any notice and enquiry and without paying any compensation, the authorities unlawfully withholding the petitioner's land. He further stated that he made representation on 04.02.2019 and 18.04.2019 to the authorities concerned to consider his objections and claim respectively. But, till date, no orders are passed on the said representations.

5. On instructions, learned Assistant Government Pleader for Land Acquisition, produced written instructions, wherein it is held thus:

"It is respectfully submitted that as per the enjoyment survey and also local enquiry the petitioner is not in possession of any part of Sy.No.190 of Chandanvelly Village, Shabad Mandal, Ranga Reddy District. As seen from the pahanies an extent of Ac.3-00 gts., in Sy.No.190/288, of Chandanvelly Village, was recorded in the name of Sri Neereti Balaiah S/o Yellaiah, and said assignee expired on 25.07.2004, issueless and the petitioner is his brother. After the death of assignee Sri Neereti Balaiah S/o Yellaiah, the petitioner has not got

any succession over the land and more over the succession of assigned lands will be granted in favour of his legal heirs only but not to his brother as per the assignment rules.”

6. It is to be seen that the petitioner seems to have filed representations on 04.02.2019 and 18.04.2019 to the authorities concerned to consider his objections and claim respectively. Therefore, it is for the authorities concerned to act on the said representations and take a decision in accordance with law.

7. Accordingly, without going into the merits of the case, the Writ Petition is disposed of directing the authorities concerned to dispose of the representations, dated 04.02.2019 and 18.04.2019 submitted by the petitioner, before passing the Award in accordance with law. 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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