

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26764 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.190/147 of Chandanvelli Village, Shabad Mandal, Chevella Division, R.R.District and for not considering his claim made thereunder and other statutory provisions of law as per the documentary evidence, as 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 8.2.2019 submitted by the petitioner for payment of compensation for Ac.3-00 of 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 the subject land is an assigned land and it was assigned to grandfather of the petitioner. After his death, the mother of the petitioner inherited the property and the revenue authorities have also issued pattadar passbooks and title deeds in favour of his mother. After her death,

the petitioner succeeded to the subject property. While so, the Government issued draft notification acquiring some lands in the subject survey number. Though in the said notification, the name of the petitioner is not shown, he is not allowed to do agriculture work in the subject land by the revenue authorities on the ground that the subject land acquired for public purpose.

4. The grievance of the petitioner is that without issuing any notice and enquiry and without paying any compensation, the respondent authorities unlawfully acquired the petitioner's subject land. The petitioner also submitted a representation on 08.02.2019 to the Collector and revenue officials along with necessary documents, but no action has been taken on the said representation.

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

"5. It is respectfully submitted that the petitioner herein is claiming the land to an extent of Ac.3-00 gts/., in Sy.No.190/147 of Chandanvelly Village, and that his name is stated to be published at Sl.No.32 for an extent of 0-20 gts., of Form-C, issue for an extent of Ac.252-32 gts., but as verified from the Form-F, the name of the petitioner is existing at Sl.No.83 for an extent of Ac.0-20 gts., only published in Nameste Telangana daily newspaper on 26.01.2019 and in Janam Sakshi daily news paper on 26.01.2019. As the petitioner is in possession of only Ac.0-20 gts., in this Sy.No.190, he is eligible for compensation for the said extent of 0-20 only and not more than the said extent. As seen from the pahanies an extent of Ac.3-00 gts., in Sy.No.190/147 of Chandanvelly Village, was recorded in the name of Smt.Baindla Venkatamma W/o Jangaiah.

6. It is further submitted that the petitioner herein claiming the land that it was assigned to his grandfather late Baindla Jangaiah and that he is inherited the property after death of his mother. But as per the enjoyment survey the petitioner herein was in possession of only Ac.0-20 gts., of land in this as per enjoyment survey conducted by the team of officers consists of Tahsildar, Shabad, Assistant Director, Survey and Land Records, Rangareddy District, Mandal Revenue Inspector, Mandal Surveyor, Shabad Mandal and Village, Revenue Officer, Chandanvelly Village. Therefore, the name of the petitioner herein was published in notification as per the physical possession over the land. In this case the Village Revenue Officer, Chandanvelly Village, has also enquired into the matter and conducted panchanama and as per the enquiry it is evident that the petitioner and his mother are not residents of the Village and that the entire land of Ac.3-00 gts., is not in their possession, and that the petitioner is in possession of only 0-20 gts., for which the petitioner is entitled for the compensation. Therefore, the petitioner is not entitled for any relief as sought for in these paras. The writ petition is not maintainable under law and liable for dismissal.”

6. It is to be seen that the petitioner claims the subject land through his mother Baindla Venkatamma. According to the petitioner his mother owns Ac.3-00 of land in Survey No.190/147 of Chandanvelly Village, Shabad Mandal, Ranga Reddy District. But, as per the enquiry conducted by the officials, the petitioner is in possession of Ac.0-20 guntas only, for which the petitioner is entitled for the compensation. In the written instructions, the respondents have stated that as per pahanies an extent of Ac.3-.00 guntas in Survey No.190/147 of Chandanvelly Village was recorded in the name of one Baindla Venkatamma W/o Jangaiah.

7. It is to be seen that the petitioner made a representation on 08.02.2019 to the District Collector, Ranga Reddy District, for

payment of compensation in respect of the subject property. But, the 3rd respondent is proper party for grant compensation to the petitioner. Therefore, it is open for the petitioner to make a fresh representation before the 3rd respondent ventilating his grievance.

8. Accordingly, without expressing any opinion on the merits of the case, the Writ Petition is disposed of directing the petitioner to make a fresh representation before the 3rd respondent, and on filing of such representation, the 3rd respondent is directed to consider the same and take a decision in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

9th December, 2019
YVL

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date:09.12.2019

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