



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

FRIDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 20241 OF 2015

Between:

M.Bheema Lingaiah,

...PETITIONER

AND

The South Central Railway Rep By Its General Manager **...RESPONDENT(S)**
and Others

Counsel for the Petitioner: Mr. Y. Koteswar Rao

Counsel for the Respondent(S): G.P. for Revenue

G.P. for Land Acquisition

Mr. Jupudi V.K. Yagnadutt
(Central Government Counsel)

Deputy Solicitor General of India.

The Court made the following:

ORDER:

The present Writ Petition is filed seeking to declare the action of the respondents in proceeding with the construction of the Railway Under Bridge and related works in the land of the petitioner in Sy.No.246/1 of Obulapuram village, Guntakal Mandal, Anantapur District, without initiating any land acquisition proceedings, as illegal, arbitrary etc., and for consequential

direction to pay compensation under the provisions of the Land Acquisition Act.

2) On the earlier occasion, the learned counsel for the petitioner made submissions with reference to the averments made in the affidavit filed in support of the writ petition. He submitted that the action of the respondent authorities in undertaking the construction of railway over bridge and other related works, including laying of road etc., in the petitioner's land in Sy.No.246/1 of Obulapuram village without paying any compensation is legally not sustainable. He also submitted that as is evident from the survey report dated 30.04.2015 of the Mandal Surveyor, Guntakal, submitted to the 6th respondent, an extent of about Ac.0-41 cents of the petitioner's land in Sy.No.246/1 was utilized for the works undertaken by the Railways. While stating that no counter affidavits have been filed by the respondent authorities, he sought appropriate reliefs. Be that as it may.

3) Today, when the matter is taken up by this Court, the learned Government Pleader for the Land Acquisition representing the 5th respondent and Mr. Jupudi V.K. Yagnadutt, learned counsel appearing on behalf of respondents 1 to 3 had drawn the attention of this Court to the correspondence between the revenue authorities and the authorities of South Central Railways. As seen from the communications placed before this Court, it is clear that the revenue authorities as well as the railway authorities are proposing to conduct a joint inspection and depending upon the said inspection, if the land of the petitioner is utilized for the purpose of railway

works, necessary compensation will be paid to the petitioner. The communications addressed by the 5th respondent to the learned Government Pleader for the Land Acquisition also makes the said aspect clear. In the light of the said communications, which are made part of the record, this Court deems it not necessary to go into the merits of the case.

4) Therefore, the Writ Petition is disposed of with a direction to the respondent authorities to conduct a Joint Inspection in respect of the subject matter property, after giving advance notice to the petitioner through Registered Post with Acknowledgment due. Depending upon the Joint Inspection / report, in respect of the land in question, the compensation for the land of the petitioner, if any, utilized for the purpose of construction for Railway Over Bridge and other connected works, shall be paid to the petitioner, in accordance with law. The joint inspection shall be carried out as expeditiously as possible, within a period of four (04) weeks from the date of receipt of a copy of this order. No costs.

5) Consequently, the Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA,J

Dated:22.11.2024.
Ssv

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 20241 OF 2015

Date:22.11.2024

SSV