IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 17642 OF 2024

Between:

Rajula Penchala Swamy, S/o. Venkata Reddy, Aged about 45 years, R/o. Dachuru Village, Kaluvoya Mandal, SPSR Nellore District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary (Irrigation Department), Secretariat Building, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary (Finance Department), Secretariat Building, Velagapudi, Guntur District.
3. The District Collector, Nellore, SPSR Nellore District.
4. The Special Collector (Telugu Ganga Project), Nellore, SPSR Nellore District.
5. The Special Deputy Collector (Land Acquisition), Telugu Ganga Project, Rapur at Nellore unit, SPSR Nellore District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased 9to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents to pay the compensation amount to the petitioner land was acquired through Award no. 04/2023-2024, dated 12.06.2023 for the lands to an extent of Ac. 1.10 cents in Sy. No. 887/2, situated at Dachuru Village, Kaluvoya Mandal, SPSR Nellore District. As per the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and pay the

compensation amount to the petitioner to an amount of Rs. 26,84,447/- with interest 15 percent p.a. from 12.06.2023, as per the Award passed by the 5th respondent as arbitrary, illegal, violative of Articles 19, 21 and 300A of the Constitution of India and consequently direct the respondents to pay the above compensation amount immediately with the interest from date of award 12.06.2023 till the date of payment as per the Sec.80 of the Act.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent to pay the compensation an amount of Rs. 26,84,447/- to the petitioner lands which was acquired through Award No. 04/2023-2024, dt: 12.06.2023 forthwith pending disposal of the writ petition.

Counsel for the Petitioner: SRI M. S. R. CHANDRA MURTHY
Counsel for the Respondent No.1: GP FOR IRRIGATION AND CAD
Counsel for the Respondent No.2: GP FOR FINANCE AND PLANNING
Counsel for the Respondent Nos.3 to 5: GP FOR REVENUE (LAND ACQUISITION)

The Court made the following: ORDER

APHC010345722024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3328]
(Special Original Jurisdiction)

FRIDAY ,THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 17642/2024

Between:

1. RAJULA PENCHALA SWAMY,, S/O. VENKATA REDDY, AGED ABOUT 45 YEARS, R/O. DACHURU VILLAGE, KALUVOYA MANDAL, SPSR NELLORE DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY (IRRIGATION DEPARTMENT), SECRETARIAT BUILDING, VELAGAPUDI, GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY (FINANCE DEPARTMENT), SECRETARIAT BUILDING, VELAGAPUDI, GUNTUR DISTRICT.
3. THE DISTRICT COLLECTOR, NELLORE, SPSR NELLORE DISTRICT.
4. THE SPECIAL COLLECTOR TELUGU GANGA PROJECT, NELLORE, SPSR NELLORE DISTRICT.
5. THE SPECIAL DEPUTY COLLECTOR LAND ACQUISITION, TELUGU GANGA PROJECT, RAPUR AT NELLORE UNIT, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.M S R CHANDRA MURTHY

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION

2.GP FOR IRRI AND CAD

3.GP FOR FINANCE PLANNING

The Court made the following ORAL ORDER:

Heard Sri M.S.R. Chandra Murthy, learned Counsel for the Writ Petitioner and Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenue and Land Acquisition.

2. Sri K. Arjun Chowdary, learned Assistant Government Pleader for Revenue and Land Acquisition, has submitted the Written Instruction furnished by the Special Deputy Collector (LA), Telugu Ganga Project, Rapur at Nellore dated 26.09.2024. Copy of the Written Instruction is also furnished to the learned Counsel for the Writ Petitioner. This Written Instruction is taken on record.

3. Relevant portion of the Written Instruction is usefully extracted hereunder:

> "Out of that an extent of Ac.1.10 cents in Sy.No.887/2 award passed by the then Special Deputy Collector vide consent award no.04/2023-24 dt:11.10.2023, Rc.C/84/2015 dt:11.10.2023 for an amount of Rs.26,84,447/- towards payment of compensation to the petitioner. But allotment of budget is awaited from the Government. Soon after receipt of budget allotment payment will be paid to the petitioner as per due process of law."

4. It is stated in the Written Instruction that the Award bearing No.04/2023-24 dated 11.10.2023 has already been passed by the Special Deputy Collector and an amount of Rs.26,84,447/- has been awarded towards payment of compensation to the Writ Petitioner but the same could not be disbursed, since the allotment of Budget is awaited from the Government.

5. Having considered these aspects, this Court deems it appropriate to dispose of this Writ Petition at the admission stage, without going into merits, directing all the Respondents to pay the compensation amount to the Writ Petitioner within a period of eight weeks from today. Writ Petitioner is directed to submit a copy of this Order to all the Respondents within one week from today for effective compliance.

6. With the above observations and directions, this Writ Petition is disposed of. No Order as to Costs.

7. Interlocutory Applications, if any, stand closed in terms of this Order.

Sd/- SHAIK MOHD RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Rajula Penchala Swamy, S/o. Venkata Reddy, Aged about 45 years, R/o. Dachuru Village, Kaluvoya Mandal, SPSR Nellore District.
2. The Principal Secretary (Irrigation Department), State of Andhra Pradesh, Secretariat Building, Velagapudi, Guntur District.
3. The Principal Secretary (Finance Department), State of Andhra Pradesh, Secretariat Building, Velagapudi, Guntur District.
4. The District Collector, Nellore, SPSR Nellore District.
5. The Special Collector (Telugu Ganga Project), Nellore, SPSR Nellore District.
6. The Special Deputy Collector (Land Acquisition), Telugu Ganga Project, Rapur at Nellore unit, SPSR Nellore District.
7. One CC to Sri M. S. R. Chandra Murthy, Advocate [OPUC]
8. Two CCs to Irrigation and CAD, High Court of Andhra Pradesh. [OUT]
9. Two CCs to Finance and Planning, High Court of Andhra Pradesh. [OUT]
10. Two CCs to Revenue(Land Acquisition), High Court of Andhra Pradesh. [OUT]
11. Three CD Copies.

ssb

HIGH COURT

DATED:27/09/2024

ORDER

WP.No.17642 of 2024



DISPOSING OF THE W.P. WITHOUT COSTS