

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 19566 of 2004

Between:

1. K. Pratap Singh S/o late Katchabai Subhan Singh
Aged 40 years, Occu: Coolie, R/o Shankarapuram,
Cuddapah
2. K. Lakshman Singh S/o Late Katchabai Subhan Singh
Aged 35 years, Occu: Coolie, R/o Shankarapuram,
Cuddapah

..... PETITIONERS

AND

1. The Special Collector, Telugu Ganga Project, Cuddapah
2. The Special Deputy Collector, Land Acquisition, Telugu Ganga
Project, Nellore at Rajampet, Cuddapah

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not releasing compensation to the petitioners to their land to an extent of Ac. 9.00 situated in Sy. No. 318/1 and land to an extent of 0.50 cents situated in Sy. No. 319.2A of Konapuram Village, Nandaluru Mandalam, Cuddapah District, which has been

acquired for foreshore submersion under Somasila Project vide Notification of the 1st Respondent issued vide RCC2/1731/2001 dt 18-06-2002 under Sec. 17(4) of the L.A. Act as highly illegal, arbitrary and violative of principles of Natural justice and with a consequential direction to forthwith release the compensation to the petitioners herein

Counsel for the Petitioner: MRS.S.NANDA

Counsel for the Respondents 1 and 2 : GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not releasing the compensation to the petitioners to their land in an extent of Ac.9-00 situated in Sy.No.318/1 and 0-50 cents situated in Sy.No.319/2A of Konapuram village of Nandaluru Mandal, Cuddapah District, as arbitrary and illegal.

It is not in dispute that the said land has been acquired for foreshore submersion under Somasila Project vide Notification dated 18-06-2002 issued by the first respondent invoking Section 17(4) of the Land Acquisition Act. It is also not in dispute that an award has been passed as long back as on 10-11-2002 by the Special Deputy Collector, Land Acquisition, Telugu Ganga Project, Nellore at Rajampet, Kadapa. It is also relevant to note that in the award itself the Special Deputy Collector has observed that sufficient funds are available to meet the compensation amount among the land owners for disbursement and accordingly awarded a total sum of Rs.23,07,767/- as compensation. The grievance of the petitioner is that in spite of the fact that sufficient funds are available, the respondents failed to make the payment of the amount awarded so far. Hence, this writ petition.

On behalf of the respondents, a counter-affidavit has been filed in which the plea of the petitioners that sufficient funds are available has not been disputed. It is stated that the respondents are not having

any sort of objection for payment of compensation among the owners provided their claims must be in proper manner. It is also stated that there should not be any sort of obstinacy towards the right of owners at any moment, but their claim must be genuine supported by documentary evidence. However, it has been added that the First Additional District Judge, Kadapa, on a representation made by one Palampalli Suneel Manohara Reddy, son of Chandra Sekhar Reddy and nine others, who are residents of Madhavaram village and now residing at Sankarapuram, Kadapa, has issued prohibitory orders in E.P.No.77 of 2002 in L.A.O.P.No.364 of 2000 dated 03-04-2003 to the Sub-Treasury Officer, Rajampet, in respect of the entire amount of Rs.2,05,00,000/- kept in the revenue deposit and, therefore, the compensation amount could not be disbursed.

However, when the matter is taken up for consideration, the learned Government Pleader under instructions states that, as a matter of fact, the claim of the petitioners in relation to the land in Sy.Nos. 318/1 and 319/2A has nothing to do with the subject matter of L.A.O.P.No.364 of 2000 and, therefore, necessary steps are being taken to get the prohibitory order vacated so far as the lands of the petitioners and other similarly situated persons are concerned. It is further stated that as soon as the necessary orders are passed in E.P.No.77 of 2002 in L.A.O.P.No.364 of 2000, the compensation to which the petitioners are entitled will be paid.

Accordingly, recording the statement of the learned Government Pleader, the writ petition is disposed of with a direction that expeditious steps be taken for getting the necessary clarification in E.P.No.77 of 2002 in L.A.O.P.No.364 of 2000 and then to take appropriate further steps in accordance with law for the payment of the compensation to which the petitioners are entitled.

Accordingly, the writ petition is disposed of. No costs.

15-12-2004.

Note:

Issue CC in one week.

B/o

Lrkm.

To

1. The Special Collector, Telugu Ganga Project, Cuddapah
2. The Special Deputy Collector, Land Acquisition, Telugu Ganga Project, Nellore at Rajampet, Cuddapah
3. 2 CCs to Government Pleader for Land Acquisition, High Court of A.P., High Court Buildings, Hyderabad (O.U.T)

High Court of A.P., Hyderabad(O.U.T)

5. 2CD copies.