

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF MAY
TWO THOUSAND AND EIGHT
PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU
WRIT PETITION NO : 11585 of 2008

Between:

- 1 Bhoomireddy Dhasaradharami Reddy S/o.Gangi Reddy
R/o.Chinnduddela(V) Muddanur(M),Kadapa District
- 2 Bhoomireddy Lakshminarayana Reddy S/o.Narayana Reddy,
R/o.Chinnduddela(V) Muddanur(M),Kadapa District
- 3 Bhoomireddy Khamkshmma W/o.Varadha Reddy,
R/o.Chinnduddela(V) Muddanur(M),Kadapa District
- 4 Bhoomireddy Bhavani, W/o.Chinna Varadha Reddy
R/o.Chinnduddela(V) Muddanur(M),Kadapa District

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PETITIONERS

AND

- 1 The State of A.P rep.by its Dist Collector Kadapa Dist
- 2 The Special Collector Galeru Nagari Srujala Sravanthi Project
Kadapa,
Kadapa District
- 3 Galam Sankaraiah S/o.Pedda Balaiah
Chinnaduddela(V) Murddanur(M) Kadapa District

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RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in making payment for the land belong to the petitioners to an extent of ac 1.61 cents in Sy.No.98 of Bondalakunta (V) fields Muddanur (M) Kadapa District in favour of the 3rd respondent as arbitrary, illegal contrary to the procedure envisaged under the provisions of the Land Acquisition act,1894 and violative of the fundamental and constitutional rights guaranteed to the petitioners under Article 226 of the constitution of India and consequently direct

the 2nd respondent to refer the matter to the competent Civil Court for adjudication.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This Writ Petition has been filed seeking a declaration that the action of the second respondent in making payment of compensation for the land belonging to the petitioners in an extent of Ac.1.61 cents in Survey No.98, situated at Bondalakunta Village fields, Muddanur Mandal, Kadapa District in favour of the third respondent is illegal, arbitrary and contrary to the procedure envisaged under the provisions of the Land Acquisition Act, 1894 and consequently, direct the second respondent to refer the matter to competent civil Court for proper adjudication under Section 30 of the Land Acquisition Act.

It appears that the lands in question were acquired under Section 4 (1) notification dated 19.04.2006 issued under Land Acquisition Act and all the names of the owners including the petitioners are mentioned therein as pattadars. But the fragmentation of the extents held by the petitioners were not indicated therein. According to the petitioners, they have obtained pattadar passbooks in respect of their shares. Further, without passing any final award, the respondents are trying to disburse the amounts among other sharers, which would cause irreparable loss to them.

Be that as it may, it appears that the award under the Land Acquisition Act is not passed as well as compensation is also not fixed

as of now. It is the apprehension of the petitioners that before passing the award, advance amounts would be paid to the other sharers and since there are disputes as to the extents held by the each sharer, if the amounts are paid, they would be put to irreparable loss.

Under these circumstances, without expressing any opinion on the merits, the second respondent-Land Acquisition Officer/Special Collector, Galeru Nagari Srujala Sravanthi Project, Kadapa, is directed not to disburse any amounts as advance and also not to pass any award without taking objections filed by the petitioners into consideration. If it is found that there is any substantial dispute as to the title, the second respondent is at liberty to consider for referring the matter to the Civil Court for its proper adjudication.

Accordingly, the Writ Petition is disposed of. No costs.

C.V. RAMULU, J

Date: 29.05.2008
Isn/Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The State of A.P rep.by its Dist Collector Kadapa Dist
- 2 The Special Collector Galeru Nagari Srujala Sravanthi Project
Kadapa,
Kadapa District
- 3 Galam Sankaraiah S/o.Pedda Balaiah
Chinnaduddela(V) Murddanur(M) Kadapa District

4. Two CCs to the Government Pleader for Land Acquisition
5. Two CD copies