

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

WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER,
TWO THOUSAND AND ELEVEN

PRESENT:
THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.31569 of 2011

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Between:

Smt. Chappidi Sunanda

... Petitioner

And

The Special Deputy Collector (L.A.)
Rajahmundry, East Godavari District
& another.

... Respondents

Counsel for the petitioner: Sri Teneti Seeta Ram

Counsel for respondent No.1: AGP for Land Acquisition

This Court made the following:

THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY
WRIT PETITION No.31569 of 2011

ORDER:-

This Writ Petition is filed for a Mandamus to declare the inaction of respondent No.1 in referring the case to the competent civil Court under Section 30 of the Land Acquisition Act, 1894 (for short, "the Act") in respect of Ac.5.63 cents in Sy.No.40/2 of A.Veeravaram Village, Devipatnam Mandal, East Godavari District, as illegal and arbitrary.

The petitioner claims a share in the abovementioned property, which was acquired for Indira Sagar Project. The petitioner pleaded that she has submitted her representation on 22.11.2011 to respondent No.1 claiming a share in the compensation along with respondent No.2 and seeking reference of the dispute to the competent civil Court under Section 30 of the Act, if respondent No.1 is not willing to allot a share to her. Since no reference was made, the petitioner filed the present Writ Petition.

At the hearing, the learned Assistant Government Pleader for Land Acquisition, on instructions, submitted that final award was passed on 12.10.2011 in favour of respondent No.2 and cheque bearing No.815026, dated 17.11.2011, was handed over to him on the same day and that the petitioner has submitted her representation much thereafter i.e., on 22.11.2011.

The petitioner failed to explain as to why she has not submitted her objections before respondent No.1 in response to Section 9(1) notice in the award enquiry.

Having not participated in the award enquiry and allowed the award to be passed and cheque issued in favour of respondent No.2, the petitioner cannot seek reference of the dispute under Section 30 of the Act.

Accordingly, the Writ Petition is dismissed. However, the petitioner shall be free to file a civil suit before the competent civil Court seeking her right to receive compensation.

As a sequel, WPMP No.39174/2011 is also dismissed.

C.V.NAGARJUNA REDDY, J

Date: 30.11.2011
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