

**HON'BLE SRI JUSTICE VENKATESWARULU NIMMAGADDA**

**WRIT PETITION NO.4314 OF 2021**

**ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Revenue representing respondents 3, 7 and 8, Learned Government Pleader for R & B Department and for other respondents.

2. The present writ petition is filed to declare the inaction of the respondents 3, 7 and 8 in acquiring the land of the petitioners situated in Sy.No.482-A/O of Vankayalapadu Village, Edlapadu Mandal, Guntur District, which was already utilised by Panchayat Raj and Rural Development or Roads & Buildings Department and also the in action of the respondents in not paying compensation as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short 'the Act') as illegal and arbitrary.

3. It is the case of the petitioners that the petitioners are the absolute owners and possessors of land admeasuring Ac.9.34 cents in S.No.482-A/O at Vankayalapadu Village, Edlapadu Mandal, Guntur District. While so, abutting to their land, there was a kutchra road adjacent to a donka at Sy.No.482/A and road leading from Sangam to Boyapalem Village of Edlapadu Mandal, Guntur District. During the years 2007-2008, the road was formed by Panchayat authorities, and thereafter, it was handed over to R & B Department for laying B.T road. which is formed adjacent to donka road and extending the said road by making it a black top road. Thereby, the authorities encroached and occupied the patta lands of the

petitioners in an extent of Ac.0.83 cents, without there being any acquisition proceedings initiated under the provisions of the Act or consent as permitted under the Act from the land owner. While so, having no other option, the petitioners submitted several representations to the authorities about the illegal occupation and laying of road upon the land of the petitioners, which is an abutting land. After having so many correspondences, the authorities concerned, particularly, the 8<sup>th</sup> respondent admitted the occupation of the land of the petitioners for laying the subject road.

4. Finally, with the permission of higher authorities, 8<sup>th</sup> respondent issued proceedings dated 06.06.2009, wherein he made alternative proposal for alteration of land admeasuring Ac.1.05 cents in S.No.482/A/R of Vankayalapadu Village in lieu of paying any compensation to the petitioners towards the land occupied by the authorities. Even though the land was identified by 8<sup>th</sup> respondent and the same was addressed to the District Collector, till date it was not alienated in favour of the petitioners. In view of the sufferance, the petitioners preferred the present writ petition seeking payment of compensation or for alienation of property which was identified by the 8<sup>th</sup> respondent by virtue of proceedings dated 06.06.2009.

5. At this juncture, the learned Government Pleader for Revenue placed on record fresh instructions obtained from the 7<sup>th</sup> respondent dated 23.08.2022, under which the authorities concerned i.e., 7<sup>th</sup> and 8<sup>th</sup> respondents have admitted about identification of alternative land for providing to the petitioners in lieu of compensation to the land occupied by the authorities for laying the road.

6. Learned counsel for the petitioners after going through the written instructions submitted by the 7<sup>th</sup> respondent, agreed to the

proposal of providing alternative land proposed by the 7<sup>th</sup> respondent and 8<sup>th</sup> respondent to the petitioners in lieu of compensation.

7. Having regard to the discussions and material placed before this Court, and in view of the facts and circumstances of the case, this Court deems fit and proper in the interest of justice, to direct the 3<sup>rd</sup> respondent herein to take necessary steps by following the procedure as contemplated under the Act for alienation of alternative land identified i.e., Ac.1.05 cents in Sy.No.482/A/R which is classified as Donka in revenue records, which is free from encroachments, without collecting any amounts by way of charges or stamp duty for such alienation, in favour of the petitioners, within a period of three (03) months from the date of receipt of copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

9. The miscellaneous petitions pending, if any, shall also stand closed.

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**JUSTICE VENKATESWARULU NIMMAGADDA**

Date:30.08.2022  
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