

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE NINETEENTH DAY OF JUNE

TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO: 10232 OF 2020



Between:

S. Durga Rao, S/o. Appa Rao, aged about 56 years, R/o. D.No.7-121-36, Nandamuri Nagar, Sai Nagar, Gopalapatnam, Visakhapatnam, Visakhapatnam District.

...Petitioner

AND

1. The State Of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Vizianagaram District, Vizianagaram.
3. The Special Deputy Collector cum Land Acquisition Officer, Green Field International Airport, Bhogapuram, Vizianagaram.
4. The Tahsildar, Bhogapuram Mandal, Vizianagaram 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 to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in paying compensation at the rate of Rs.12,50,000/- per acre to the petitioner in respect of the lands assigned to him i.e., Ac.4.95 cents in Sy.No. 303/BA of of Kancheru Village, Bhogapuram Mandal, Vizianagaram District, acquired for establishment of International Greenfield Airport, in pursuance of the Preliminary Notification dated 31.08.2015 issued by the 2nd Respondent under Section 11 and the Declaration in Letter No.2314/2015/G3 dated 23.04.2016 issued under section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013, for short the Act, in contravention of the provisions of the Act and the compensation fixed in respect of patta lands under G.O.Ms.No.259, Revenue (Assn.I) Department dated 21.06.2016 and G.O.Rt.No.64, Energy, Infrastructure and Investment (Airports) Department, dated 09.06.2016 as arbitrary, illegal, unjust, violation of the constitutional and fundamental rights guaranteed under the Constitution of India, violative of principles of natural justice and contrary to the law laid down by this Hon'ble Court in Land Acquisition Officer - cum - Revenue Divisional Officer, Chevella Division, Hyd. and others versus Mekala Pandu and others, reported in (2004) 2 ALD 451, and also contrary to the judgment of this Hon'ble Court in WP.No.23148 of 2018, and for issuance of a consequential direction to the Respondents to pay compensation in respect of the aforesaid assigned land to the petitioner in terms of the Act or on par with patta lands as determined under the aforesaid G.Os..

IA NO: 1 OF 2020

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 stay of the petitioner's eviction from the lands admeasuring Ac.4.95 Cents in Sy.No.303/BA of Kancheru Village, Bhogapuram Mandal, Vizianagaram District, till payment of compensation to the Petitioner on par with the patta lands, pending disposal of WP 10232 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Ramakrishna Pativada, Advocate for the Petitioner, and of GP for Land Acquisition for respondents 1 to 4, the Court made the following.

ORDER:

"Print the learned Government Pleader for Land Acquisition.

Post on 25.06.2020

There shall be an order of Status quo for a period of one week."

//TRUE COPY//

SD/- K. JAGANMOHAN
DEPUTY REGISTRAR

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SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State Of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Vizianagaram District, Vizianagaram.
3. The Special Deputy Collector cum Land Acquisition Officer, Green Field International Airport, Bhogapuram, Vizianagaram
4. The Tahsildar, Bhogapuram Mandal, Vizianagaram District. (1 to 4 by RPAD)
5. One CC to Sri. Ramakrishna Pativada Advocate [OPUC]
6. Two CCs to GP for Land Acquisition, High Court Of Andhra Pradesh. [OUT]
7. One spare copy

VD

HIGH COURT

KVLJ

DATED: 19/06/2020

NOTE: POST ON 25.06.2020

ORDER

WP.No.10232 of 2020

STATUS-QUO

