

APHC010174022015



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

WEDNESDAY ,THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No: 15366 of 2015

Between:

N.Rami Reddy

...PETITIONER

AND

The State of A.P.
Rep.by its Prl.Secretary,
Land Acquisition Department & Others

...RESPONDENTS

Counsel for the Petitioner:

1.Mr.N.PREMRAJ

Counsel for the Respondent(S):

1.GP FOR LAND ACQUISITION (AP)

The Court made the following Order:

The present writ petition is filed seeking the following relief:

“.....to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proceeding with the acquisition of the land without disclosing the corresponding survey number to the Paimaish Numbers 1, 10, 15, 16, 17, 18, 19, 20, 21, 22, 2, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 44, 46, 47, 49, 50 of Chinnababaiahpalli, h/o.Thungodu Village, Somendapalli Mandal, Anantapur District through third parties is illegal, arbitrary and in violation of principles of natural justice and in violation of Art.14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to acquire the land situated in Paimaish Numbers 1, 10, 15, 16, 17, 18, 19, 20, 21, 22, 2, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 44, 46, 47, 49, 50 of Chinnababaiahpalli, h/o.Thungodu Village, Somendapalli Mandal, Anantapur District by any other modes in the interest of justice and to pass such other order or orders....”

2. Heard learned counsel for the petitioner. Also heard learned Assistant Government Pleader for Land Acquisition for the respondents.

3. The petitioner claims that he is a permanent resident of Chinnababaihpalli Village, H/o.Thungodu Village, which is stated to be a shrotriem Village and an extent of Ac.260.89 cents of agricultural land is shrotriem land, that the petitioner along with other villagers are in possession and enjoyment of certain extents of land, the details of which are stated in Para No.2 of the writ affidavit. He also claims that pattadar passbooks were issued in respect of certain extents of lands and that the Government has no right whatsoever in the said lands. It is his case that the respondents are proceeding to acquire the lands without disclosing the corresponding survey numbers to the paimaish Numbers of Chinnababaiahpalli, H/o.Thungodu Village, that the same is illegal, arbitrary etc., and therefore he is constrained

to file the present writ petition. Pending disposal of the writ petition, he sought the following interim relief:

“.....to direct the respondents not to acquire the land situated in Paymish Numbers 1, 10, 15, 16, 17, 18, 19, 20, 21, 22, 2, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 44, 46, 47, 49, 50 of Chinnababaiahpalli, h/o.Thungodu Village, Somendapalli Mandal, Anantapur District by any other modes.....”

4. Except making certain averments made in the affidavit filed in support of the writ petition, no material is filed as to the actual extent of land, which is stated to be in possession of the writ petitioner. The pattadar pass books stated to have been issued were also not filed. Be that as it may. The learned counsel for the petitioner tried to impress upon this Court that the action of the respondents as pointed out in the writ petition is unjust and arbitrary. Though in the counter-affidavit, it is averred that an Award has been passed with reference to the subject matter lands, he contends that it is subject to the outcome of the writ petitions and therefore, the writ petition may be allowed by granting appropriate reliefs.

5. This Court has considered the submissions made. At the outset, it may be relevant to point out that the writ petition was filed in the year 2015 and no interim order was granted by the Court at the time of considering the matter for admission. Subsequently, even as per the reply affidavit filed by the petitioner, an award was passed on 26.12.2015.

6. As seen from the Award, with reference to the objections raised during the course of Award enquiry, it appears that the issue whether the

proceedings can be deferred till the orders are received from the Hon'ble High Court in the writ petition was over ruled by the District Collector, Ananthapuram and thereafter award in respect of the subject matter lands was passed on 26.12.2015. Therefore, the contentions advanced by the learned counsel for the petitioner merits no appreciation. In view of passing of the Award, the writ petition has become infructuous. Be that as it may.

7. As seen from the latest instructions dated 19.02.2025 placed before this Court by the learned Assistant Government Pleader, it would appear that compensation with regard to acquisition of lands would be paid to the original owners on submission of the relevant documents.

8. Therefore, while holding that the writ petition has become infructuous and no relief as sought for can be granted, the same is dismissed. However, the petitioner would be at liberty to approach the concerned authorities and seek compensation, if any, on producing the documents of title. No order as to costs.

As a sequel, all the pending miscellaneous applications, if any, shall stand closed.

NINALA JAYASURYA, J.

Date: 19.02.2025
BLV

HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.15366 of 2015

Date: 19.02.2025

BLV