

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

THURSDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTEEN



WRIT PETITION NO: 21083 OF 2020

Between:

K Ramaiah, S/o Rosanna, age 55 years, Gani village, Gadivemula Mandal,
Kurnool District, Andhra Pradesh

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Special Chief Secretary(lands) 4th block, ground floor, room no.136, A.P.State Secretariat Buildings, Velagapudi, Amaravathi, Guntur district, A.P.
2. The District Collector, Kurnool district, Kurnool, A.P.
3. The Joint Collector-cum-land acquisition Officer, Kurnool district cum project Administrator, Kurnool district, Andhra Pradesh.
4. The Revenue Divisional Officer, Nandyal, Kurnool district, Andhra Pradesh.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to pass an order or direction or a writ, more specifically a writ in the nature of a Mandamus declaring the action of the respondents in paying compensation at the rate of Rs 4.2 lakhs per acre only instead of Rs 5.5 lakh per acre and refusing to pay the balance of Rs 1.30 lakhs per annum as mandated under G.O.M.S. No. 259 dated 21-06-2016 inspite of the receipt of notice dated 09-08-2020 as illegal, unconscionable and violative of the petitioners 'rights guaranteed under article 14 and 300-A of the constitution of India as also the rulings of the Hon'ble High Court of Andhra Pradesh in WP No. 23148 of 2018 and also of the Supreme Court in Central Inland Water Transport Corporation Limited and Ors Vs Brojo Nath Ganguly and Ors in Civil Appeal Nos. 4412 of 1985 and consequently direct payment of balance compensation at the rate of Rs 1.3 lakhs per acre of the land acquired in respect of Acres 1.33 cents of the land of petitioner in Survey No.680/2, of Gani Village, Gadivemula Mandal, Kurnool district, Andhra Pradesh.

IA NO: 1 OF 2020

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 2nd and 3rd respondents to take necessary action or

alternatively pass necessary orders on the notice caused to be sent on behalf of the petitioner dated 31-08- 2020.

Counsel for the Petitioner: SRI. A SRINATH

Counsel for the Respondent No. 1: GP FOR LAND ACQUISITION

Counsel for the Respondent Nos. 2 to 4: GP FOR REVENUE

The Court made the following: ORDER.

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21083 of 2020

Between:

K. Ramaiah, S/o Rosanna, aged 55 years, Gani, Village, Gadivemula Mandal, Kurnool District, Andhra Pradesh.

...Petitioner

AND

The State of Andhra Pradesh, Represented by its Special Chief Secretary (lands) 4th block, ground floor, Room No.136, A.P. State Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P and three others.

...Respondents

Counsel for the petitioner : Sri A. Srinath

Counsel for respondents : GP for Land Acquisition and
GP for Revenue

ORDER:

The writ petition is filed to declare the action of respondents in not paying the compensation @ Rs.5,50,000/- per acre as per G.O.Ms.No.259 dated 21.06.2016, in spite of notice dated 31.08.2020, as illegal and arbitrary.

2. On 11.11.2020, learned Single Judge of this Court directed the respondents to send response to the notice dated

31.08.2020, within a period of two weeks from the date of receipt of a copy of order, dated 11.11.2020.

3. Today, when the matter is taken up, learned Assistant Government Pleader appearing for the respondents passed on the proceedings of Sub-Collector, Nandyal *vide* Rc.B.238/2018 dated 09.03.2021, whereby the authority replied to the notice got issued by the petitioner.

4. As seen from the proceedings, reply was communicated to learned counsel for the petitioner.

5. Sri A.Srinath, learned counsel for the petitioner would submit that due to Covid-19 pandemic, his office was closed and proceedings of the Sub-Collector were not served on him.

6. A copy of the proceedings was handed over to learned counsel for the petitioner by learned Assistant Government Pleader appearing for the respondents in the Court. Learned counsel for the petitioner acknowledged the same.

7. Learned counsel for the petitioner seeks permission to withdraw the present writ petition with a liberty to challenge the proceedings issued by the Sub-Collector *vide* Rc.B.238/2018 dated 09.03.2021.

8. Permission is accorded.

9. Accordingly, this Writ Petition is dismissed as withdrawn, giving liberty to the petitioner to challenge the proceedings before appropriate forum. No order as to costs.

As a sequel, all the pending miscellaneous petitions shall stand closed.

Sd/- M PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. A SRINATH Advocate [OPUC]
2. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR LAND ACQUISITION, High Court of Andhra Pradesh. [OUT]
4. Two CD Copies

Csb
vna

KKK
26/02

HIGH COURT

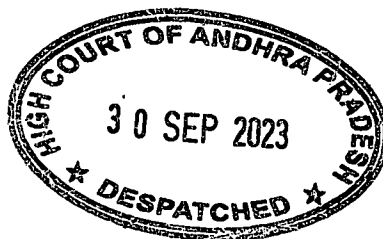
DATED:27/07/2023

7-Copies

Kiran
26/8

ORDER

WP.No.21083 of 2020



**DISMISSING THE WP AS WITHDRAWN
WITHOUT COSTS**