

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Writ Petition No.15732 of 2019

ORDER:

1. This writ petition is filed under Article 226 of Constitution of India to issue writ of mandamus, declaring the action of the respondents in not conducting resurvey of lands in S.Nos.132/80, 132/59 along with S.Nos.317, 326 and 332 at Kivvaka, Kukunnuru Mandal, West Godavari District, despite the representation and request made by the petitioners as illegal, arbitrary and contrary to the principles of natural justice and consequently issue a direction to the respondents, to conduct resurvey of the above lands.

2. It is alleged that the government issued a notification under Form No.6-A, dated 30.09.2016 of Land Acquisition Act for Polavaram Project and the land of the petitioners was not covered by the said notification in Form No.6-A, dated 30.09.2016. The petitioners and others are the owners of the land in different survey numbers within the vicinity i.e. S.Nos.132/80, 132/59, 317, 326 and 332 at Kivvaka and Kukunnuru Mandal and their land is also very much effected by the said project. But the officials, ignored the land of the petitioners from the affected area and the respondents issued a letter dated 14.12.2018, stating that survey has been conducted in the presence of the petitioners and others, but none of their lands were affected by the project and not included in the list. But the contention of the petitioners before this Court is that the land of the petitioners is also affected on account of Polavaram Project, but failure to include in the list of effected area is arbitrary and illegal.

3. The petitioners came forward with a request to conduct resurvey at their expenses, to find out whether their land is really affected on account of Polavaram Project or not, so as to include, their lands in the list of affected area.

4. The Government Pleader for Land Acquisition fairly accepted the request of the petitioners to conduct resurvey of the lands in S.Nos. 132/80, 132/59, 317, 326 and 332 at Kivvaka and Kukunnuru Mandal, at the expenses of the petitioners.

5. In view of the concession of the Government Pleader for Land Acquisition, the respondent Nos.3 to 5 are directed to conduct resurvey of the lands in S.Nos. 132/80, 132/59, 317, 326 and 332 at Kivvaka and Kukunnuru Mandal, at the expenses of the petitioners, within two months from the date of payment of necessary fee, through online or any other permissible mode.

6. With the above directions, the petition is disposed of.

7. Consequently, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

Dated: 23.10.2019
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