

HONOURABLE SMT. JUSTICE V. SUJATHA**WRIT PETITION No.26585 of 2016****ORDER:**

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

“to issue any writ, order or direction preferably in the nature of Mandamus declaring the action of the respondents 2 and 4 in proposing to release compensation to respondents 5 to 7 for acquisition of lands assigned to petitioners herein by concocting the records as being illegal, arbitrary, violative of articles 14, 21 and 300-A of the Constitution of India and principles of natural justice and consequently set aside the same by directing payment of compensation to the petitioners for the lands in Sy.No.87/1B to an extent Ac.2-00 cents and in Sy.No.87/1A to an extent of Ac.2-59 cents situated at Chinnapanduru village, Varadaiahpalem Mandal, Chittoor District and pass such other order or orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case”.

2. The case of the petitioners in brief is that, the petitioners No.1 and 2 being landless poor persons on an application made by them were granted DKT pattas by the Government of Andhra Pradesh to an extent of Ac.2-00 cents in Sy.No.87/1B and Ac.2-59 cents in Sy.No.87/1A vide Patta Nos.353, 354 dated 12.01.2008 respectively in Chinnapanduru Village, Varadaiahpalem Mandal of Chittoor District and since the date of the said assignment, the petitioners have been in continuous possession and enjoyment of the said land and cultivating the same.

3. While the matter being so, the Government has notified 250 acres of DKT land in Chinnapanduru Village for acquisition for public purpose. At that stage, the petitioners have realized that, for the land assigned to them was reflecting the names of respondents No.5 to 7.

4. The contention of the petitioners is that, the 5th respondent was working as Deputy Tahsildar of Varadaiahpalem Mandal, Chittoor District. 6th respondent is elder sister of the 7th respondent, who is inturn close friend and associate of 5th respondent. Taking advantage of the same, the 5th respondent in active connivance with the 8th respondent have changed the entries in the Government Records, so as to ensure that, any compensation that may be paid for acquiring these lands will given to the respondents No.5 to 7, and that the petitioners further states that, the 5th respondent being a Government servant (Dy.Tahsildar) is not a competent person for DKT assignment and the said changing of entries in the records was done by the 8th respondent, without giving any notice to the petitioners herein. Thereafter, the petitioners approached the 8th respondent by way of representations dated 03.02.2016 and 23.02.2016 complaining that, when the pattas granted in favour of the petitioners are in existence, the

respondents would not have changed the revenue records, that too without issuing any notice to the petitioners herein.

5. In the present case, it appears that no interim order is granted in favour of the petitioners considering the representations dated 03.02.2016 and 23.02.2016 made by the petitioners to the concerned authorities.

6. Learned Government Pleader for Revenue, on oral instructions have submitted that, the respondents 2 and 4 have not paid any compensation to the respondent Nos.5 to 7 as alleged by the petitioners.

7. As the property was assigned to the petitioners under DKT pattas by the Government of Andhra Pradesh, they became absolute owners of the subject property and the respondents No.2 and 4 neither resumed the said property invoking the provisions of Act 30 of 2013 read with the terms and conditions of the patta nor paid exgratia to the respondents No.5 to 7 without any statutory basis depriving the petitioners from enjoying the property.

8. In view of the same, instead of going into the merits of the case, this Court feels it appropriate to direct the respondents

No.2 and 4 to dispose of the representations dated 03.02.2016 and 23.02.2016 made by the petitioners herein and consider their request with regard to payment of compensation/exgratia as per their entitlement, and pass appropriate orders in accordance with law, after duly conducting enquiry, as to the ownership of the said land by the petitioners.

9. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

V. SUJATHA, J

Date: 25.01.2023.
KGR/SSN

308

HONOURABLE SMT. JUSTICE V. SUJATHA

W.P. No.26585 of 2016

Date:25.01.2023

KGR/SSN