

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI



MONDAY, THE THIRTIETH DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

WP NO: 1056 OF 2021

Between:

The Land Acquisition Officer/Sub-Collector, Rajamahendravaram, East Godavari District, A.P.

...Petitioner/Respondent

AND

1. Sri. Tirumalanadhuni Suri Babu, S/o. T. Ganga Rao, aged about 40 years, Occ: Agriculture, R/o. Door No. 118-1-50, Near Vinayaka Temple, Madhurapudi Village, Korukonda Mandal, East Godavari District, A.P.

...Respondent/Writ Petitioner

2. The State of Andhra Pradesh, Rep. by its Secretary, Land Acquisition Revenue Department, Secretariat, Velagapudi at Amaravathi, Guntur District, A.P.
3. The District Collector, East Godavari District, Kakinada, East Godavari District, A.P.
4. The Rajahmundry Airport, Airports Authority of India, Rep. by its Manager, Rajahmundry, East Godavari District, A.P.
5. The Gram Panchayat, Madhurapudi, Rep. by its Secretary, Madhurapudi Village, Korukonda Mandal, East Godavari district, A.P.

(R2 to R5 are not necessary parties in this petition)

...Respondents/Respondents

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders in I.A No.1 of 2021 in WP No.1056 of 2021, dated. 11.01.2021 and dismiss the writ petition, pending disposal of WP No. 1056 of 2021, 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 the order of the High Court dated 11.01.2021 made herein and upon hearing the arguments of SMT. T.V.SRI DEVI, Advocate for Petitioner and of SRI D.S.N.V.PRASAD BABU, Advocate for the Respondent,

The Court made the following

ORDER:

“Heard Smt. T.V. Sri Devi, learned counsel for the vacate stay petitioner and Sri D.S.N.V. Prasad Babu, learned counsel for the writ petitioners/respondents.

Smt. T.V. Sri Devi, learned counsel for the vacate stay petitioner submitted that as required under Section 16(5) of the Act, Grama Sabha was conducted on 08.05.2018 and wherein the promised amounts were already paid to the writ petitioners and now taking advantage of some mistake in the award, they filed present writ petition and claiming houses under ‘Indira Awas Yojana Scheme’.

By virtue of the stay granted by this Court on 11.01.2021, the authorities are unable to protect the run way of the Rajahmundry Airport by constructing a compound wall. In view of the same, prayed to vacate the interim orders.

On the other hand, Sri D.S.N.V. Prasad Babu, learned counsel for the writ petitioners/respondents submitted that, as per the award, they are supposed to give house under ‘Indira Awas Yojana Scheme’ and in the counter-affidavit, they admitted that they offered houses under “Navaratnalu-Pedalandariki Illu” but not as per the scheme under ‘Indira

Awas Yojana Scheme'. Until and then, they construct the house under the said scheme, the interim orders cannot be vacated.

Perused the record.

It is not in dispute that the subject property of the writ petitioners is acquired for the purpose of expansion of Rajahmundry Airport. In the Grama Sabha resolution, it was so clearly mentioned that either they would give alternate house under 'Indira Awas Yojana Scheme' or some amount towards the house as per '*Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*'. But coming to the award, it was said so that, house should be given under 'Indira Awas Yojana Scheme' that too by taking into consideration the Grama Sabha resolution. There is some difference in the Grama Sabha resolution and in the award.

It is not in dispute that the writ petitioners have received the amount including the amounts mentioned in the Grama Sabha resolution. Whether the petitioners are entitled for houses as per the scheme or not have to be dealt in the main writ petition. The public interest is at stake. By virtue of the interim orders, the respondent authorities are unable to protect the land of the Airport (Run Way).

In these circumstances, there is no purpose in continuing the interim orders granted by this Court on 11.01.2021 and is liable to be vacated.

Accordingly, interim order granted on 11.01.2021 is vacated."

//TRUE COPY//

Sd/- N. NAGAMMA
A ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Land Acquisition Officer/Sub-Collector, Rajamahendravaram, East Godavari District, A.P. (By RPAD)
2. One CC to SMT. T.V.SRI DEVI, Advocate [OPUC]
3. One CC to SRI D.S.N.V.PRASAD BABU, Advocate [OPUC]
4. One spare copy.

PSD

HIGH COURT

RC,J

DATED:30/09/2024

NOTE: POST THE MATTER ON 24.10.2024, FOR HEARING.

ORDER

I.A.NO.1 OF 2024

IN

WP.No.1056 of 2021

ALLOWED

