

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: W.P. No.11195 OF 2021

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
07.	22.07.2021	<u>AVSS, J</u> <u>Writ Petition No.11195 of 2021</u> Rule nisi. Call for records. Notice returnable in four weeks. <u>I.A. No.1 of 2021</u> It is submitted by Sri Taddi Nageswara Rao, learned counsel for the petitioner that by way of a registered sale deed dated 07.08.2006, the petitioner herein purchased an extent of Acs.2.37½ cents in Sy.No.7P (Old Sy.No.2) of Gajularega village, Vizianagaram Mandal and District and that the petitioner’s predecessor-in-title purchased the same by way of a registered sale deed dated 05.02.2005 from one Smt. Zaheera Begum. It is further submitted that the petitioner’s vendor’s vendor’s vendor, one Sri Borra Venkata Kama Raju and others instituted Original Suit No.308 of 1955 before the Court of the District Munsif, Vizianagaram, for a declaration that the land covered by old Sy.No.2 of Gajularega village is a part of pre-settlement minor inam covered by title deed No.745 to 749 and that the said suit was decreed as prayed on 31.10.1957. It is further submitted that the State Government, unsuccessfully carried the said decree before the First Appellate Court and this Court, by way of filing A.S. No.6 of 1958 and S.A. No.928 of 1960. It is also the submission of the learned counsel that the Tahsildar, the 5th respondent herein, submitted a report on 22.07.2020, which shows the right and title of the petitioner in respect of the subject property. Finally, it is submitted by the learned counsel that without initiating the proceedings under the provisions of the Act 30 of 2013 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation	Transferred to the IO folder before corrections, if any.

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		and Resettlement Act, 2013, the respondents are proceeding with the process of laying the railway line in a part of the subject land and the same infringes the fundamental of the petitioner herein under Articles 14 and 21 of the Constitution of India and also violative of the constitutional right as mandated under Article 300A of the Constitution of India. It is submitted by the learned Standing Counsel for the Railways that the Railways already sent the amount to the Revenue Authorities for the purpose of acquisition. Learned Government Pleader, on instructions, submits that the predecessors of the petitioner herein did not avail the appropriate remedies as provided under the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948, and as such, the petitioner is not entitled for any relief from this Court under Article 226 of the Constitution of India. It is also the submission of the learned counsel that the decree granted by the Civil Court would not ennure to the benefit of the petitioner herein to claim compensation. In the considered opinion of this Court, this issue requires consideration of this Court, however, having regard to the submissions of the learned counsel for the petitioner and the material available on record and in order to meet the ends of justice, there shall be a direction to the respondents 2 to 4 to deposit the amount, which if the petitioner succeeds in the Writ Petition, is payable in proportion to the subject land in any nationalized bank, so that the same would fetch interest. This arrangement, however, shall be subject to the outcome of the Writ Petition. This exercise shall be taken within a period of eight weeks from today. siva AVSS,J	

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