

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY SECOND DAY OF JULY,
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SRI JUSTICE A V SSHA SAI

IA No. 1 OF 2021

IN

WP NO: 11195 OF 2021



Between:

Dr. R. Satya Rao, S/o. Late Appala Suryanarayana.

...Petitioner

AND

1. The State of Andhra Pradesh, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District. Rep. by its Principal Secretary.
2. The District Collector, Vizianagaram District, Vizianagaram.
3. The Special, Deputy Collector, Land Acquisition, Parvathipuram, Vizianagaram District.
4. The Revenue Divisional Officer, Vizianagaram Sub-Division, Vizianagaram District.
5. The Tahsildar, Vizianagaram Mandal, Vizianagaram District.
6. The Deputy Chief Engineer (Constructions), East Coast Railway, Visakhapatnam, O/o DRM's Office Complex, Dondaparthi Visakhapatnam - '530004(A.P.)
7. Rail Vikas Nigam Limited, Office of the Chief Project Manager-II, RVNL/Waltair, (Vizianagaram-Titlagarh Tripling Project). Rly-Building No.T-34,MSM Colony, Gnanapuram side Rly.Station Entry Road, Viaskhapatnam-530004 (A. P.) Rep by its Project Manager

...Respondents

Counsel for the Petitioner:

SRI TADDI NAGESWARA RAO

Counsel for the Respondent No.1, 2, 4 & 5: GP FOR REVENUE

Counsel for the Respondent No.3: GP FOR LAND ACQUISITION

Petition under Section 151 CPC 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 respondents to forthwith pay the compensation to the petitioner in respect of the land admeasuring an extent of Ac.0.81 cents equivalent to 3277.95 square meters situated in Sy.No.7 of Gajularega Village, Vizianagaram Mandal, Viilanagaram District, pending disposal of WP No.11195 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).
The Court made the following

ORDER

"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 presettlement 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 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 enure 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."

//TRUE COPY//

Sd/-V.Satyanarayana
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, State of Andhra Pradesh, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Vizianagaram District, Vizianagaram.
3. The Special, Deputy Collector, Land Acquisition, Parvathipuram, Vizianagaram District.
4. The Revenue Divisional Officer, Vizianagaram Sub-Division, Vizianagaram District.
5. The Tahsildar, Vizianagaram Mandal, Vizianagaram District.
6. The Deputy Chief Engineer (Constructions), East Coast Railway, Visakhapatnam, O/o DRM's Office Complex, Dondaparthi Visakhapatnam - 530004(A.P.)
7. The Project Manager, Rail Vikas Nigam Limited, Office of the Chief Project Manager-II, RVNL/Waltair, (Vizianagaram-Titlagarh Tripling Project). Rly-Building No.T-34,MSM Colony, Gnanapuram side Rly.Station Entry Road, Viaskhapatnam-530004 (A. P.) (1 to 7 By RPAD)
8. One CC to Sri Taddi Nageswara Rao, Advocate [OPUC]
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh.[OUT]
- 10.Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh.[OUT]
- 11.One spare copy

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HIGH COURT

AVSSJ

DATED: 22/07/2021

ORDER

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IN
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DIRECTION

