
(2013) 2 ALD 442 : (2013) 3 ALT 144

Andhra Pradesh High Court

Case No: Writ Petition No. 34483 of 2012

Surada Tata Rao

APPELLANT

Vs

The Collector and
District Magistrate,
Visakhapatnam,
Visakhapatnam District,
and others

RESPONDENT

Date of Decision: Nov. 29, 2012

Acts Referred:

- General Clauses Act, 1897 - Section 21
- Land Acquisition Act, 1894 - Section 48

Citation: (2013) 2 ALD 442 : (2013) 3 ALT 144

Hon'ble Judges: C.V. Nagarjuna Reddy, J

Bench: Single Bench

Advocate: M. Uma Devi for Mr. G. Rama Gopal, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Hon"ble Sri C.V.Nagarjuna Reddy, J.

This writ petition is filed for a Mandamus to set aside endorsement in Rc.No.

18/11/E2/SW, dated 01.10.2011, of respondent No. 2. I have heard Ms. M. Uma Devi, learned counsel representing Mr. G. Rama Gopal, learned counsel for the petitioner, and the learned Assistant Government Pleader for Land Acquisition.

2. The petitioner was the owner of Ac.0.47 cents of land in Sy.No. 34/3 of Chepalauppada Village, Bheemunipatnam Mandal, Visakhapatnam District. The said land was acquired by the Government in the year 1985 for the purpose of construction of houses to the weaker sections under the provisions of the Land Acquisition Act, 1894. The petitioner

admitted that he was paid compensation for the said land, but claimed that he continued to be in possession of the said land as the same was not utilized by the Government for the purpose for which it was acquired. The petitioner approached respondents 1 and 2 with a request to re-convey the said land as the same is not being put to use by the Government. The said request was considered and the same was rejected by respondent No. 2 vide the impugned endorsement, whereunder it was stated that the land once acquired stands vested in the Government and that due to any reason if the land is not utilized for the purpose for which it was acquired, the same can be utilized for any other public purpose.

3. The law is well settled that once the land is acquired and compensation is paid to its owner, it absolutely vests in the State free from all encumbrances. The Supreme Court in *V. CHANDRASEKARAN vs. ADMINISTRATIVE OFFICER* 2012 (9) SCALE held as under:

The said land, once acquired, cannot be restored to the tenure holders/persons-interested, even if it is not used for the purpose for which it was so acquired, or for any other purpose either. The proceedings cannot be withdrawn/abandoned under the provisions of Section 48 of the Act, or u/s 21 of the General Clauses Act, once the possession of the land has been taken and the land vests in the State, free from all encumbrances.

..In view of the above, the law can be crystallized to mean, that once the land is acquired and it vests in the State, free from all encumbrances, it is not the concern of the land owner, whether the land is being used for the purpose for which it was acquired or for any other purpose. He becomes persona non-grata once the land vests in the State. He has a right to only receive compensation for the same, unless the acquisition proceeding is itself challenged. The State neither has the requisite power to reconvey the land to the person-interested, nor can such person claim any right of restitution on any ground, whatsoever, unless there is some statutory amendment to this effect.

4. Ms. M. Uma Devi, learned counsel representing Mr. G. Rama Gopal, learned counsel for the petitioner, placed reliance on a press report published in the newspaper and submitted that an extent of Ac. 28.56 cents of land, which was acquired for the purpose of steel factory in the year 1978, is being returned to the land owners.

5. A perusal of the newspaper report shows that the Government has taken a decision to return the land to its owners on the ground that the same was not useful as it was low lying and getting submerged in rain water. It is not the pleaded case of the petitioner that his land, which was acquired by the respondents, is similarly situated as those which were agreed to be returned by the Government as per the above-mentioned newspaper report. At any rate, in view of the settled legal position that the petitioner has become persona non-grata with the acquisition of his land by the State, he has no legally enforceable right for claiming return of the land.

6. For the above-mentioned reasons, I do not find any merit in the writ petition and the same is accordingly dismissed. As a sequel, WPMP. No. 43842 of 2012 filed for interim relief is disposed of as infructuous.