
(2013) 4 ALD 365

Andhra Pradesh High Court

Case No: Writ Petition No. 24478 of 2012

Sri
Narendra-Veerabhadra
Swamivarla
Devasthanam

APPELLANT

Vs

State of Andhra
Pradesh, The District
Collector, The Revenue
Divisional Officer and
The Commissioner of
Endowments,
Government of Andhra
Pradesh

RESPONDENT

Date of Decision: Feb. 5, 2013

Acts Referred:

Land Acquisition Act, 1894 & Section 11A, 17(3A), 4(1), 6

Citation: (2013) 4 ALD 365

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

Bench: Single Bench

Advocate: V.S.R. Anjaneyulu, for the Appellant;

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

C.V. Nagarjuna Reddy, J.

The petitioner, which is a religious institution left hapless by the utter negligence on the part of the respondents

in completing the land acquisition proceedings and paying compensation, knocked at the doors of this Court to render justice. The facts which are

not in dispute are that respondent Nos. 1 to 3 have proposed to acquire an extent of Acs.3.74 cents in R.S. Nos. 239/2, 34, 297/3 and 208/1 &

2 of Nangegadda Village, Nagayalanka Mondal, Krishna District belonging to the petitioner for providing house sites to the weaker sections of the

society. Notification u/s 4(1) of the Land Acquisition Act, 1894 (for short "the Act") was issued on 01.03.1996. An award enquiry was held on

27.03.1996. Possession of the land was taken on 10.04.1996 and the pattas were issued to the eligible beneficiaries on 03.07.1996. Since then,

no further steps have been taken by the respondents for passing the award and paying compensation to the petitioner. The petitioner has,

therefore, filed this writ petition for a mandamus to direct respondent Nos. 1 to 3 to pay market value of the property as on date and the

consequential benefits under the provisions of the Act.

2. Respondent No. 3 filed a counter affidavit, wherein the above-mentioned facts have not been disputed. However, it is pleaded that one B.

Bhyragi and others filed W.P. No. 9106 of 1996 in this Court and obtained interim order and that the said writ petition was dismissed on

05.10.2005 with the direction to the respondents to take further action by duly following the procedure prescribed under G.O.Ms. No. 456,

Revenue (Endowments) Department, dated 29.09.1995. It is further stated that in W.P. No. 22266 of 1996, this Court has granted interim order

and that as advance possession was taken on 10.04.1996, the founder family requested the respondents to pass award as per the provisions of the

Act as amended by Act 68 of 1984 and for payment of 80% of compensation as per Section 17(3A) of the Act. That as the land in question

belongs to the Endowments Department, the market value has to be fixed by the State Level Committee constituted for this purpose, that the

market value proposals were submitted to the Collector, Krishna, on 17.02.1997 and that the Collector in turn submitted proposals to the

Commissioner, Land Revenue in reference, dated 15.03.1997. It is further stated that the order fixing the market value of the land is yet to be

received from the Office of the Commissioner, Land Revenue.

3. The above averments of the counter affidavit would disclose that there is a marked negligence on the part of the functionaries who are

concerned with the fixation of market value and passing of the award. The supine indifference exhibited by these functionaries has deprived the

petitioner of its valuable right to receive the compensation and utilise the same.

4. In recognition of the fact that inordinate delays are being caused in finalisation of the acquisition proceedings after initiation, the Parliament

introduced sweeping amendments to the provisions of the Act by Act 68 of 1984. These amendments include reduction of time limit for making

declaration u/s 6 of the Act from three years to one year from the date of publication of notification u/s 4(1) of the Act and passing of award within

two years from the date of publication of declaration u/s 6 of the Act. u/s 11-A of the Act, if the award is not made within two years, the entire

proceedings of the acquisition would lapse.

5. Therefore, in ordinary course, the acquisition proceedings initiated by the respondents would have lapsed at least five times, but for the

interpretation made by the Apex Court to the provisions of the Act to the effect that where possession is taken, non-passing of the award will not

allow the acquisition proceedings to lapse (See Satendra Prasad Jain and Others Vs. State of U.P. and Others, and Awadh Bihari Yadav and

Others Vs. State of Bihar and Others, However, in Delhi Airtech Services Pvt. Ltd. and Another Vs. State of U.P. and Another, the Supreme

Court doubted the correctness of this view and due to difference in the views of the two Judges of the Bench, the issue has been referred to a

Larger Bench.

6. Be that as it, may, the official apathy in discharging their statutory functions leading to serious infraction of the constitutional right of the citizens

cannot be tolerated. The State and its functionaries cannot be allowed to acquire private properties for conferring benefits on a section of its

populace and deny the benefit of compensation to the land owners for years on end. This Court cannot remain passive when serious injustice is

caused due to the indolence of the respondents in passing the award. If the statutory benefits under the Act are extended to the petitioner on the

amount of compensation, the same will not neutralise the inflation. The market value as in the year 1996 would have been too meagre compared to

the present day market value of the lands, as appreciation of the land value throughout the country is a common phenomenon.

7. In K. Sai Reddy and others Vs. Deputy Executive Engineer, Irrigation and Command Area Development, Nampally, Hyderabad and others,

this Court, with a view to neutralise inflation, advanced the date of notification and directed advancement of notification. In E.P. Vinaya Sagar Vs.

The Land Acquisition Officer-cum-Revenue Divisional Officer and Others, I also had an occasion to deal with a similar situation and granted

similar relief.

8. Having regard to the extraordinary facts of this case, I am of the opinion that the only way to redress the rightful and legitimate grievance of the

petitioner is to direct the respondents to assess the market value of the property by advancing the date of notification to this day i.e., 05.02.2013,

and extend all the statutory benefits thereon to the petitioner on the market value so fixed till the date of payment. Award shall be passed and

payment made within a period of four months.

9. The writ petition is accordingly allowed.

10. The Chief Commissioner, Land Administration and the Commissioner of Endowments Department shall identify the persons who are

responsible for non-passing of the award and initiate appropriate departmental proceedings against them within four months from today. As a

sequel to disposal of the writ petition, W.P.M.P. No. 31245 of 2012 shall stand disposed of as infructuous.