

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: W.P.No.11490 of 2023

PROCEEDING SHEET

Sl.No.	DATE	ORDER	Office Note
1.	02.05.2023	<u>BKM, J</u> Heard the learned counsel for the petitioners. The learned Government Pleader for Revenue takes notice for the respondent Nos.1 to 4. Sri J. Ugra Narasimha, the learned Standing Counsel takes notice for the 5th respondent. The grievance of the writ petitioners is that, the respondent Nos.2 to 4 deleted the names of the petitioners' company as pattadar and possessor of the land in the online ROR Form-1B and the online Adangal in respect of the land situated in Survey No.647 (Ac.8.55 cents), Survey No.648/2 (Ac.10.00 cents), Survey No.646 (Ac.12.12 cents) and Survey No.645/2 (Ac.10.00 cents) in total Acres 40.67 cents situated in Ravuru Village, Gudlur Mandal, SPSR Nellore District by unilaterally entering the name of the 5th respondent in the said records.	

		The learned counsel for the petitioners submits that, the 3rd respondent issued the proceedings under Form-C notification under Section 11 of the Land Acquisition Act, 2013 in Rc.A/35/2020 dated 24.04.2023 in respect of the land in an extent of Acres 39.72 cents situated in Ravuru Village, Gudlur Mandal, SPSR Nellore District for the public purpose, i.e., “for Development of Non-Major Port at Ramayapatnam”. The learned counsel for the petitioners further submits that, to make objections, there is a clear 60 days time from the date of publication of this notification as provided under Section 15 of the Act. Hence, the petitioners have got remedy to make objections for the said proceedings of the 3rd respondent dated 24.04.2023. Be that as it may, the Form-1B (ROR) dated 11.05.2017 discloses the name of the petitioner for the subject land in an extent of Ac.10.00 cents in Survey No.648/2, Acres 7.60 cents in Survey No.647, Acres 12.12 cents in Survey No.646 and Acres 10.00 cents in Survey No.645/2 of the said village. Similarly, the Form-1B (ROR) dated 18.10.2021 discloses the name of the petitioner for the subject land in an extent of Ac.10.00 cents in Survey No.648/2, Acres 7.60 cents in Survey	
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		No.647, Acres 12.12 cents in Survey No.646 and Acres 10.00 cents in Survey No.645/2 of the said village. The Adangal copy dated 18.10.2021 also discloses the name of the petitioner in respect of the subject land in an extent of Acres 10.00 cents in Survey No.645/2 of the said village. The Pahani copy dated 18.10.2021 also discloses the name of the petitioner for the subject land in an extent of Acres 12.12 cents in Survey No.646 of the said village. The Pahani copy dated 18.10.2021 also discloses the name of the petitioner for the subject land in an extent of 7.60 cents in Survey No.647 of the said village. The Pahani copy dated 18.10.2021 also discloses the name of the petitioner for the subject land in an extent of Acres 10.00 cents in Survey No.648/2 of the said village. While so, suddenly the 5th respondent name is shown for the subject land for a total extent of the lands situated in different extents of the different survey numbers of the said village as per the Adangal copies dated 28.04.2023. The learned counsel for the petitioners further submits that, though the acquisition proceedings are initiated and objections are called for by the 3rd respondent under the proceedings dated 24.04.2023, they cannot	
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		mutate the name of the 5th respondent abruptly for the said land. On the other hand, the learned Assistant Government Pleader for Revenue and the learned counsel appearing for the 5th respondent upon written instructions of the 4th respondent submits that, the subject lands are Dotted Lands as per the RSR, Ravuru Village and the writ petitioner filed the claim under Andhra Pradesh Dotted Lands (Updation in Re-settlement) Act, 2017 before the authority in the year, 2018. The said claim was rejected by the District Level Committee, Prakasam District. Then, the petitioner filed an appeal before the Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada. At this stage, the 5th respondent requested to handover the advance possession of the land and deposited the land compensation on par with the other adjacent lands acquired for construction of the port stating that if the authority decides it as private land. In such circumstances, after oral consent given by the writ petitioners, the land was mutated in the name of the 5th respondent. In the meanwhile, in March, 2023, the CCLA has remanded the appeal with a direction to reconsider the claim. The claim is processed and submitted for DLSC	
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		approval and also proposed to initiate Land Acquisition Proceedings immediately after the approval of DLSC. The claim of the writ petitioners was agreed for the proposal. It is contended that, the incorporation of the names of the writ petitioners would be considered after approval of the DLSC. In reply, the learned counsel for the petitioners submits that, the CCLA in Ref.No.Sett.I(2)/DL/323/2019 dated 28.02.2023 directed the District Level Committee headed by the Collector to consider the matter afresh by setting aside the proceedings of the District Level Committee passed earlier dated 23.08.2018. The learned counsel for the petitioners submits that, in the said proceedings of the CCLA, the District Level Committee, after the report would consider the matter afresh. But in the meanwhile, the land acquisition proceedings have been initiated for mutation of the name of the 5th respondent for the subject lands in the revenue records which is not warranted. In view of the above said facts and circumstances, the proceedings initiated by the 3rd respondent dated 24.04.2023 shall go on with the submission of the objections by the	
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		writ petitioners in due course. In so far as the entries made in favour of the 5th respondent is concerned, that is subject to outcome of the further orders in this writ petition. The respondents shall file their counters. Notwithstanding the pendency of the writ petition, the claim and objections of the writ petitioners shall be considered by the authorities concerned at appropriate stage. It is also made clear that, the mutation in favour of the 5th respondent shall not come in the way of the rights of the petitioners to make a claim before the Land Acquisition Officer. The acquisition proceedings shall go on in accordance with law for the purpose of the project. List the matter after Summer Vacation, 2023. BKM, J <i>Note: issue cc on 03.05.2023 B/o:PGT</i>	
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