

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 15918 OF 2023

Between:

M/s. V.K. Infrastructures, Rep. by its Managing Partner, Sri Kodavati Tata Rao
S/o Chinasatyanarayana, aged 56 years, R/o D.No.6-22-9, Flat No.5, VK
Icon, Near Sun and See Apartment, East Point Colony, Visakhapatnam-
530017.

...Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue and Land Acquisition Department, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
2. The District Collector, Vizianagaram District, at Vizianagaram.
3. The Special Deputy Collector cum Land Acquisition Officer, Green Fields International Airport, Bhogapuram, Vizianagaram District.
4. The Tahsildar, Bhogapuram Mandal, Vizianagaram District.
5. Andhra Pradesh Airports Development Corporation Limited, Rep by its Managing Director and having its registered office at R S No 254/2, AVSR Bhavan, 2 and 3 Floors, Kanuru Main Road, Opp to My Mart Super Market, Kanuru, Vijayawada.
6. Revenue Divisional Office, Vizianagaram District
7. Visakhapatnam Metropolitan Region Development Authority, rep by its Metropolitan Commissioner, Vishakhapatnam, Vishakhapatnam District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or order or direction, more particularly, one in the nature of Writ of Mandamus declaring the high-handed action of the Respondents in disturbing the possession and enjoyment of the Plot Nos. 45, 28, 27, 10 and Public open space area 1 & 2 in Layout land in Sy.Nos.108/1, 108/2A/1/p, 108/2A/1A/1, 109/3p & 110/3p of Gudepuvalasa locality/village, Bhogapuram Mandal, Vizianagaram District of the Petitioner in spite of being certified by respondent no. 3, that the said land are not acquired under land acquisition as illegal, arbitrary, unjust and wholly contrary to the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 ('the Act') and rules there under and further violative of Art 14, 21 and 300A of the Constitution of India and further violative of Principles of Natural Justice and consequently direct the Respondents not to interfere with the peaceful possession and enjoyment of the Subject lands of the Petitioner.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents stay all further acquisition proceedings with respect to Plot Nos. 45, 28, 27, 10 and Public open space area 1 & 2 in Layout land in Sy.Nos.108/1, 108/2A/1/p, 108/2A/1A/1, 109/3p & 110/3p of Gudupuvalasa locality/village, Bhogapuram Mandal, Vizianagaram District, pending disposal of W.P.No.15918 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court, dated 05.07.2023 made herein and upon hearing the arguments of Ms.M.Abhigna, learned counsel appearing for Sri Javvaji Sarath Chandra, Advocate for the Petitioner and of GP for Land Acquisition for Respondent Nos.1 to 3, GP for Revenue for Respondent Nos.4 & 5, Sri V. Surya Kiran, Standing Counsel for Respondent No.7, the Court made the following

ORDER:

“Heard Ms.M.Abhigna, learned counsel for the petitioner.

Learned Spl.Government Pleader attached to the office of the learned Additional Advocate General placed a copy of the written instructions received from the 6th respondent dated 05.07.2023, wherein it is specifically stated as follows:

“In this regard it is submitted that the land in Sy.No.108-2A2 measuring an extent of Ac.0.26 cents had been in airport alignment and Preliminary Notification had been issued on 07.01.2021 for the acquisition of the above said land in Gudupuvalasa Village of Bhogapuram Mandal.

The remaining survey numbers as mentioned in the petitioner's affidavit i.e., Sy.Nos.108/1, 109/3p & 110/3p are not under alignment of airport and hence they are not placed in the P.N. dated 07.01.2021”

He further submits that insofar as the said extent of Ac.0.26 cents is concerned, an award was passed on 22.01.2022 and as there is difference between the name of awardee and name of person in whose possession the land is held with, the compensation for the land in Sy.No.108-2A2 measuring an extent of Ac.0.26 cents has been deposited in the Court of LARR Authority, Visakhapatnam U/s.64 (1) r/w 77(2) of the LA Act 2013 in LAOP No.08/2023.

The learned counsel for the 5th respondent Mr.D.Satya Siva Darshan states that the possession of Ac.0.26 cents referred to above was handed over to the 5th respondent.

In view of the above position, let a counter be filed by the concerned respondent setting out all the details.

List this case after three (3) weeks.

However, no further steps shall be taken by the respondents insofar as the land in Survey Nos.108/1, 108/2A/1/p, 108/2A/1A/1, 109/3p & 110/3p, except the said extent of Ac.0.26 cents in Survey No.108-2A2 of Gudepuvalasa Village, Bhogapuram Mandal, without following due process of Law."

Sd/- T. MADHAVI
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Principal Secretary, Revenue and Land Acquisition Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
2. The District Collector, Vizianagaram District, at Vizianagaram.
3. The Special Deputy Collector cum Land Acquisition Officer, Green Fields International Airport, Bhogapuram, Vizianagaram District.
4. The Tahsildar, Bhogapuram Mandal, Vizianagaram District.
5. The Managing Director, Andhra Pradesh Airports Development Corporation Limited, having its registered office at R S No 254/2, AVSR Bhavan, 2 and 3 Floors, Kanuru Main Road, Opp to My Mart Super Market, Kanuru, Vijayawada.
6. The Revenue Divisional Office, Vizianagaram District
7. The Metropolitan Commissioner, Visakhapatnam Metropolitan Region Development Authority, Vishakhapatnam, Vishakhapatnam District. (1 to 7 by RPAD)
8. One CC to Sri. Javvaji Sarath Chandra, Advocate [OPUC]
9. One CC to Sri V. Surya Kiran, Standing Counsel [OPUC]
10. Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh. [OUT]
11. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
12. One spare copy.

SRL

HIGH COURT

NJS,J

DATED:06/07/2023

ORDER

LIST THIS CASE AFTER THREE (3) WEEKS.

WP.No.15918 of 2023

DIRECTION

