
(1995) 07 AP CK 0039

In the Andhra Pradesh High Court

Case No : Writ Petition No. 601 of 1995

Ari Nageswara Rao

APPELLANT

Vs

The District Collector and Others

RESPONDENT

Date of Decision : 26-07-1995

Acts Referred:

Land Acquisition Act, 1894 — Section 17, 17(3A), 4(1)

Citation : (1995) 3 ALD 143 : (1995) 3 ALT 399

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Advocate : V.C. Venkata Reddy, for the Appellant; Govt. Pleader for Land Acquisition, for the Respondent

Final Decision : Allowed

Judgement

B.S.A. Swamy, J.—It is not in dispute that possession of the land in question was taken away back in April, 1992 even before issuance of the Notification u/s 4(1) of the Land Acquisition Act (for short "the Act") for formation of a channel. It is also not in dispute that till date, the authorities have not issued the 4(1) Notification. With the result the petitioner was not only deprived of his valuable property, but also the compensation payable to him for the last three years. Though the petitioner got a legal notice issued on 29-1-1994, the 2nd Respondent except informing the Lawyer that no funds are available for payment of compensation for the lands acquired by the Division for the last three years and that the amount payable to the petitioner will be deposited with the 3rd Respondent on receipt of the funds in his letter No. Al/B-42, 2067 dated 15-2-1994, has not taken any steps to secure necessary funds from the authority concerned. This is not the first of its kind, which came to the notice of this Court. During the last two weeks I have noticed more than dozen instances of this nature. It is not known how many cases of this kind are there all over the State. The callousness and indifferent attitude of the officials concerned is deplorable and cannot be countenanced. Leave apart the issuance of the 4(1) Notification, they have not

even cared to pay 80% of the compensation estimated by them before taking, possession of the land as required u/s 17(3-A)(a) of the Act, which is the absolute minimum thing that has to be done by a public servant before depriving the private citizen of his valuable property. Taking an over all situation in this case, the respondents are directed to pay compensation as required u/s 17(3-A) (a) of the Act to the petitioner within three weeks from the date of receipt of this order.

2. The learned Government Pleader for Land Acquisition has brought to my notice that Section 4(1) Notification has to be issued by the Government and proposals in that regard were forwarded to the Secretary, Irrigation & Power on 25-1-1995. There is no explanation as to why further steps could not be taken immediately. The Secretary, I & PR is directed to issue 4(1) Notification forthwith, complete the enquiry, pass the Award and pay the compensation due to the petitioner as per law, as expeditiously as possible, at any rate, not later than three months from the date of receipt of the order.

3. Accordingly, the Writ Petition is allowed with costs and the 4th Respondent-Government should pay Rs. 1,000/- towards costs to the petitioner.

4. I cannot part with this case without expressing my displeasure as to the prevailing situation. In this case, due to inordinate, unexplained and inexcusable delay on the part of the concerned officials in regard to issuance of 4(1) Notification under the Act, the State has to pay compensation to the displaced person at the market value prevailing on the date of issuance of 4(1) Notification. While the displaced person is subjected to severe hardship due to deprivation of his property and in not getting any compensation to reimburse the loss sustained by him for years together, the State has to pay enormous amounts due to increase in the value of the lands over the years and ultimately the burden has to be borne by the tax-payer, but not by the officials concerned. I am afraid the administration has reached a stage when the Government Servants are not prepared to discharge their duties and the citizen is often times compelled to initiate contempt proceedings after arming himself with an order from a competent Court. Unless this sort of indifference and callousness is put to an end to by taking deterrent action against the officials concerned, the Constitutional guarantees and legal rights of the citizens remain only on the statute book. The situation calls for immediate action in the interests of good governance of the State.