
(2003) 08 AP CK 0071

In the Andhra Pradesh High Court

Case No : Writ Petition No. 15624 of 2003

Ramisetti Srinivasa Rao and Others

APPELLANT

Vs

District Collector and Another

RESPONDENT

Date of Decision : 01-08-2003

Acts Referred:

Land Acquisition Act, 1894 — Section 11

Citation : (2003) 5 ALD 343 : (2004) 1 ALT 98 : (2003) 3 APLJ 476

Hon'ble Judges : Ghulam Mohammed, J

Bench : Single Bench

Advocate : Y.V. Ravi Prasad, for the Appellant; Government Pleader for Land Acquisition, for the Respondent

Final Decision : Dismissed

Judgement

Ghulam Mohammed, J.—The petitioners, in effect, seek direction to respondents to dispose of Ac.4-37 cents of land in R.S. No. 166/2 in Putrela Village, Vissannapet Mandal, in favour of petitioners at cost price as per the provisions of Paragraph 32 of BSO-90 and as per G.O. Ms. No. 628 dated 19-5-1975.

2. The petitioners state that they are the original owners of the said land, which was acquired by the Government for construction of residential quarters for the employees working for Nagarjuna Sagar Project. The petitioners allege that even though the quarters were constructed, no employee occupied the same and the quarters were demolished. The petitioners now seek re-conveyance of the land acquired by the Government as per G.O. Ms. No. 628 dated 19-5-1975. It is also alleged that the acquired land was kept idle by the Government without using it for any purpose. The petitioners made representation to the authority seeking re-conveyance of the land at cost price by invoking paragraph-32 of BSO-90.

3. Heard learned Counsel for petitioners and learned Government Pleader for Land Acquisition.

4. Learned Government Pleader for Land Acquisition submits that the notification

u/s 4(1) of the Land Acquisition Act, 1894 was issued; award was passed and possession was taken 30 years ago and when once the award is passed, the land vests in the Government. The petitioners cannot claim as matter of right to re-convey the land pursuant to paragraph-32 of BSO-90.

5. The Supreme Court in *C. Padma v. Deputy Secretary to Government of Tamil Nadu*, held that the acquired land having vested in the State, the claimants are not entitled to restitution of possession on the ground that either original public purpose had ceased to be in operation or the land could not be used for any other purpose. Learned Government Pleader also relied on the judgment of Division Bench of this Court in *W.A. No. 504 of 1997* dated 16-4-2003 wherein it was held as follows:

"..... we hold that the respondents 5 to 12 being the legal heirs of the deceased 1st respondent are not entitled for grant of any relief. The whole of the claim in the writ petition is based upon Paragraph-32 of BSO-90, which is not applicable to the Telangana Area of the State of Andhra Pradesh. In the view we have taken that Section 54-A of the Land Revenue Act has no application to the land in question since it ceased to be an agricultural land, the respondents 5 to 12 cannot claim the benefit u/s 54-A of the Act and seek re-conveyance of the acquired land."

6. It is seen from the facts that the petitioners are claiming re-conveyance of the acquired land on the ground that the said land is kept idle and the land was not used for the purpose for which it was acquired. The Supreme Court in *C. Padma v. Deputy Secretary to Government of Tamil Nadu* (*supra*) categorically held that the claimants are not entitled to restitution of possession on the ground that the public purpose ceased to be in operation. In view of the decisions referred to above, the writ petition is misconceived and it is accordingly dismissed.