

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.2986 of 2014

-

Heard the learned counsel for the petitioner, the learned Government Pleader for Land Acquisition and Mr.M.Rajamalla Reddy, learned counsel for the 3rd and 4th respondents.

2. The petitioner complains against the inaction of respondents in referring the title dispute for the houses bearing No.3-15 at Rudravaram Village, Vemulawada Mandal, Karimnagar District, acquired by the respondents, to civil Court under Section 30 of the Land Acquisition Act, 1894 (for short, 'the Act') as illegal and contrary to Section 30 of the Act.

3. The learned counsel appearing for the petitioner, having regard to the nature of grievance in the writ petition, contends that *prima facie* a dispute on the entitlement of compensation is brought to the notice of the 2nd respondent. The material relied upon by the parties would also go to show that the apportionment of compensation is only after determination of the real issue between the parties. Mr. M.Rajamalla Reddy, learned counsel representing the 3rd and 4th respondents, by drawing the attention of the Court to the stand taken in the counter-affidavit, contends that the dispute presented by the petitioner is not a dispute at all and the 3rd and 4th respondents have acquired the houses in their own right. He tried to persuade this Court by placing reliance upon various other incidental circumstances to contend that there is no circumstance present warranting reference to civil Court. The complaint of the petitioner is one of inaction in referring the dispute to civil Court under Section 30 of the Act for determination of entitlement of compensation payable under the Act for the property acquired by respondents. *Prima facie*, it appears in stead of keeping the matter pending, the 2nd respondent ought to have referred the dispute to the civil Court for decision. This Court, for the purpose of

issuing a direction under Section 30 of the Act, directs the 2nd respondent to take note of the objections of the petitioner and consider referring the dispute to civil Court for apportionment, within a period of four weeks from the date of receipt of a copy of this order. This Court is not considering the case of either the petitioner or the 3rd and 4th respondents or expressing view on the merits of the alleged disputes while disposing of the writ petition.

4. Accordingly, the writ petition is disposed of. No order as to costs.

5. Miscellaneous Petitions pending, if any, shall stand closed.

S.V. BHATT, J

1st April 2015.

mar