

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.24199 of 2006

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ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in not referring the matter of acquiring the land of the petitioner to civil court for enhancement of the compensation under Section 18 of the Land Acquisition Act, as illegal and arbitrary and consequently direct the respondents to refer the award passed in this regard in March 2006 to civil Court.

2. This Court by order dated 21-01-2015 directed the Registry to address a letter to the Senior Civil Judge, Sompeta, to verify whether any reference under Section 18 of the Land Acquisition Act is made by the Sub-Collector, Tekkali, Srikakulam District in connection with the land in Survey No.221/2, Rattakanna Village, Ichapuram Mandal, Srikakulam District and inform the Court. Accordingly, the Registry addressed a letter dated 28-01-2015 to the Senior Civil Judge, Sompeta. In response to the letter of the Registry, the Senior Civil Judge, Sompeta, Srikakulam District replied as follows :

“I submit, on verification of records as per Office Note, dated 29-01-2015, the Sub-Collector / Revenue Divisional Officer, Tekkali, Srikakulam District, has

made reference in connection with the land in Survey No.221/2 of Rattakanna Village, Ichapuram Mandal, Srikakulam District on 18-10-2006; Notices were order to be issued to Respondents and Referring Officer as per docket order dated 19-10-2006 in L.A.O.P. 41/2006 on the file of Senior Civil Judge's Court, Sompeta, Srikakulam District."

3. Having regard to the above, this Court is of the view that the grievance of the petitioner that the award concerned is not referred to the civil Court under Section 18 of the Act does not survive. However, the learned counsel for the petitioner submitted that for the same survey number, a reference was made in connection with inadequate compensation, but whereas he is challenging the same on some other ground. If it is the grievance of the petitioner, she is at liberty to implead herself before the court concerned to ventilate her grievance.

4. With the above observation, the Writ Petition is disposed of. No order as to costs.

5. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

09th March, 2015

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