

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION Nos. 23274 and 23284 of 2016

COMMON ORDER:

The petitioners in these writ petitions seek direction thereby directing the respondents to refer the Award No.2/2016 dated 03.02.2016 to Civil Court for enhancement of compensation under Section 64 r/w 77 (1) & (2) of the Land Acquisition Act, in respect of the lands covered by R.S.No.73/1B and R.S.No.17/1A1 of Ramavarappadu village, Vijayawada Rural Mandal, Vijayawada.

2. Heard learned counsel for both the sides. Since the issue canvassed, as also the relief, being identical, the petitions are heard together and are being disposed of by this common order.

3. Learned Government Pleader for Land Acquisition (AP) appearing on behalf of the respondents, on instructions, submits that the compensation amount is kept in the deposit of the Land Acquisition Officer as the amount could not be deposited in LA R&R Authority as the Government has not constituted such authority so far. A copy of the instructions received from Dr. Cherukuri Sridhar, Commissioner (FAC), AP CRDA & CA, is also placed on record.

4. The submission of the learned Government Pleader is not justifying the issue raised by the petitioner. The duty of the Government is not over just by depositing the amount with the Land Acquisition Officer. The very purpose of awarding

compensation and also the purpose of the Act is to see that the compensation amount reaches the farmer/affected party timely without any undue delay as he is legally entitled to it. A perusal of the instructions produced by the learned Government Pleader would show that the Award amount is now in lying with the Land Acquisition Officer but he is not competent to reopen the Award and make payment; and the request of the petitioners to make reference under Section 64 of the Act could not be acceded to because the LA R&R Authority is not constituted. Certainly, the petitioners have no role in both the aspects and have nothing to do with the internal mechanism of the authorities, but they are suffering due to the delay in payment of their rightful compensation.

5. Therefore, keeping in view the facts of the case, I hereby direct the respondents to act expeditiously for constituting the LA R&R Authority within four weeks from the date of receipt of a copy of this order. I hereby make it clear that the petitioners shall be entitled to interest, as per the Act, till the amount is deposited with LA R&R Authority. The respondents shall also make reference under Section 64 of the Act, as requested by the petitioners, as soon as the LA R&R Authority is constituted.

6. The writ petitions stand disposed of, accordingly. No costs. Pending miscellaneous petitions, if any, shall stand closed.

08th Aug, 2016

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