

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT APPEAL No.1213 OF 2016

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P. No.32517 of 2016 dated 26.09.2016.

The appellants invoked the jurisdiction of this Court, under Article 226 of the Constitution of India, as they did not have a statutory remedy under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("Act 30 of 2013" for short). By the order under appeal, the Learned Single Judge dismissed the Writ Petition holding that the petitioner had the remedy of filing a petition under Section 64 of Act 30 of 2013.

Section 64 of Act 30 of 2013 provides for a reference to the authority, and sub-section (1) thereof enables any person interested and who has not accepted the award, by written application to the Collector, to require that the matter be referred by the Collector for the determination of the Authority. Admittedly, no such authority has been constituted as on date. While the Learned Government Pleader for Land Acquisition submits that the process of constituting the authority, under Section 51 of Act 30 of 2013 is in process, it is not in dispute that no such authority has been constituted as on date. The petitioner does not, therefore, have the remedy under Section 64 of Act 30 of 2013. The order of the Learned Single Judge, dismissing the Writ Petition on the ground that the petitioner has an effective alternative

statutory remedy, suffers from an error necessitating the order under appeal being set aside. The order under appeal is set aside, the Writ Petition is restored to file and the Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

A. SHANKAR NARAYANA, J

Date: 10.11.2016

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