

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P.No.26835 OF 2016

ORDER:

Vide present writ petition, petitioners seek direction thereby declaring the notification vide Dis.No.C1/.34/2016, dated 19.01.2016 issued by the 2nd respondent in respect of the lands belonging to them as illegal, arbitrary and unconstitutional and violative of Article 14 of the Constitution of India and consequent direction to the respondents to fix compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act').

Heard learned counsel for both parties and perused the material placed on record.

Learned counsel appearing on behalf of the petitioners submitted that Award No.16 was passed on 09.05.2016, which is not adequate and the petitioners have challenged the same before the competent authority for enhancement of the compensation amount.

Learned counsel appearing on behalf of the respondents, on advance notice, submitted that under Section 64 of the Act, the competent authority is not in existence and has assured this Court that as and when the said authority is constituted, the petitioners shall be made an application for enhancement of the compensation.

Keeping in view the averments made in the writ petition and the submission of learned counsel for the parties, this writ petition is disposed of giving liberty to the petitioners to file an application before the Authority to be constituted under Section 64 of the Act. The authority to be constituted under Section 64 of the Act is directed to dispose of the representation said to have been made by the petitioners and pass appropriate orders thereon, in accordance with

law, within a period of four weeks from the date of receipt of a copy of the application. It is needless to mention that if the petitioners are still aggrieved by the action or inaction of the respondents, they may approach appropriate forum. No order as to costs.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

SURESH KUMAR KAIT,J

Date: 12.08.2016
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