

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 27958 of 2016

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DATE: 22.08.2016

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Between:

Chettimalla Ademma
and another

.. petitioners

And

The State of Telangana
and two others

.. Respondents

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ORDER:-

This writ petition is filed seeking to declare the action of the 2nd respondent in not referring the petitioners' dispute with regard to enhancement of award to the competent authority as required under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity "the Act"), as illegal, arbitrary and violate of Articles 14 and 21 of the Constitution of India.

The learned counsel for the petitioners has submitted that in the 4th line of the 2nd paragraph of the affidavit, he has wrongly mentioned the word as "apportionment" instead of "enhancement".

The learned Government Pleader for Land Acquisition has submitted that the petitioners have not filed any representation requesting the authorities to refer their matter to a competent authority for enhancement of the compensation. If such representation is made, the case of the petitioners shall be referred to competent authority as and when such authority is appointed.

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

In view of the averments made in the writ affidavit and the submissions of the learned counsel for both the parties, the word “apportionment” which is wrongly mentioned in the 2nd paragraph of the affidavit accompanying the writ petition, is corrected as “enhancement”, and this Court deems it appropriate to dispose of the writ petition with the following direction:

The petitioners are at liberty to make a detailed representation to the 2nd and 3rd respondents requesting them to refer their matter to a competent authority to be appointed under Section 64 of the Act for enhancement of compensation. On such authority being appointed, the 2nd and 3rd respondents shall consider the representation and pass appropriate orders thereon referring their dispute to the competent authority in accordance with law, for enhancement of compensation within a period of two weeks from the date of appointment of such authority.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

22.08.2016

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