

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION Nos.24103, 24107, 24224 and 24247 of 2016

COMMON ORDER:

Since all these Writ Petitions arise out of same award, they are heard together and are being disposed of at the stage of admission.

Petitioners seek a direction to the respondents to determine compensation as per the existing market value, along with statutory benefits, in respect of the lands acquired in Ellamandyam Village, Renigunta Mandal, Chittoor District, and dispose of their applications filed under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act').

Learned counsel for the petitioners submits that the petitioners are aggrieved in awarding meagre compensation in respect of their lands acquired in Ellamandyam Village, Renigunta Mandal, Chittoor District and, as such, made applications under Section 64 of the Act seeking to refer the matter to the competent authority for determination of compensation.

Learned Government Pleader for Revenue submits that petitioners entered into an agreement with Revenue Divisional Officer, whereby it was agreed to pay compensation at the rate of Rs.4,200/- per sq. yard. The said amount was fixed by the District Collector with the consent of petitioners. Therefore, Section 64 of the Act does not apply to the petitioners since award is consented one.

Learned counsel for the petitioners has drawn the attention of this Court to Page 16 of the paper book, wherein the petitioners consented for compensation at the rate of Rs.5,200/-

per sq. yard. However, compensation was awarded at the rate of Rs.4,200/- per sq. yard.

No doubt, the applications, filed by the petitioners, under Section 64 of the Act, are not within the limitation prescribed. I note, in the said applications, the petitioners sought condonation of delay and sought reference to the competent authority for determination of compensation.

It is not in dispute that the petitioners agreed for compensation at the rate of Rs.5,200/- per sq. yard. However, compensation was paid at the rate of Rs.4,200/- per sq. yard. Hence, the award cannot be termed as consented one.

Thus, I hereby direct the respondents to refer the matter to the authority under Section 64 of the Act within two weeks from the date of constitution of the authority under Section 51 of the Act.

Though the Act came into force on 01.01.2014, till now, no authority has been constituted by the Government. I, therefore, make it clear that the case of the petitioners shall be referred under Section 64 of the Act within two weeks from the date of constitution of authority.

The Writ Petitions are, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

Dt:11.08.2016
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