

HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.14358, 14384 & 14385 OF 2013

COMMON ORDER:

Heard Mr.Naga Praveen Vankayalapati for petitioners and Government Pleader (Land Acquisition) for respondents.

The petitioners challenge notifications dated 23.09.2011 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') and declarations dated 22.11.2011 under Section 6 of the Act, as illegal, arbitrary and unconstitutional.

On 09.05.2013, this Court granted stay of dispossession of petitioners from the land under acquisition. The respondents filed petitions to vacate the interim order.

In W.P.Nos.14384 & 14385 of 2013, admittedly Award is not passed. The petitioners in these two writ petitions are also not pressing the challenge to notifications under Section 4 (1) of the Act and draft declarations under Section 6 of the Act. Further, the petitioners are prepared to receive compensation if awarded and paid under Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013). Government Pleader for Land Acquisition submits that since Award is not passed in these two writ petitions, the respondents are under obligation to pass an Award under Act 30/2013, pay compensation accordingly and take possession. The statement is placed on record.

Insofar as W.P.No.14358 of 2013, the assertion of respondents is that on 30.05.2013, Award was passed. However, the respondents are not in a position to establish before the Court that the Award has been passed by the authority in the presence of petitioners, communicated or tendered to the beneficiaries. Counsel for petitioners agrees for receiving compensation if paid under the new Act.

The writ petitions are, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

Dt.03.11.2016

Lrkm



S.V.BHATT, J