

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.30276 of 2010

ORDER:

Heard Sri T.S.N.Murthy for petitioners and the Assistant Government Pleader for respondents.

The petitioners complain against the action of respondents in proposing to distribute compensation for acquiring land in Sy.No.173/2, Block No.5, an extent of Ac.2-70 cents in Gazireddypalem Village, Zedchintuva Svaru, Rambilli Mandal, Visakhapatnam, without considering the claim of petitioners, enquiring into the matter under Sections 30 and 31 of the Land Acquisition Act, 1894 (for short 'the Act') as illegal, arbitrary and unconstitutional.

The 4th respondent filed counter affidavit and also a petition to vacate the interim order dated 03-12-2010.

The 4th respondent being the Land Acquisition Officer on the complaint of petitioners has stated thus:-

“..... Another W.P.No.18251/2008 was also filed by Sri Chelluri Demudu and 25 others in respect of the land covered by Block No.2 and 5 and the Hon'ble High Court has granted interim orders on 2.8.2008 vide W.P.M.P.No.23744/2008 in W.P.No.18251/2008 granting stay of all further proceedings in respect of the lands covered in the above WP. As the lands covered by the present W.P. i.e., Ac.2.70 cts in S.No.173/2 in Block No.5 is covered by interim stay of the Hon'ble High court, further LA proceedings could not be continued and no award was

passed in respect of the above lands. There are also rival claim filed by Kundrapu Apparao and Lalam Chittamma through their Advocate claiming compensation for an extent of Ac.0-82 cts in SNo.173/2 of ZChinthuva Village. In view of the above, it is submitted that after disposal of the W.P. as per the orders of the Hon'ble High court, enquiry will be conducted and during enquiry the claim petitions will be examined and if any disputes arose in regard to the title over the lands under acquisition, those cases will be referred to Civil Court U/s.30 and 31 of LA.Act but the amounts in such cases will not be paid to any 3rd parties.

It is pertinent to submit that due to interim orders of the Hon'ble High court, award could not be passed in respect of the suit schedule land. After vacation of the interim orders of the Hon'ble High court, enquiry will be conducted into the claims received in respect of the suit schedule land, and appropriate orders will be passed for payment of compensation. If there is any dispute over the suit schedule land, the matter will be referred to Civil Court U/s.30-31 of the LA.Act for adjudication. The contentions contra are untrue and hereby denied. The allegations contra are untenable. Unless the interim orders are vacated, the respondents will be put to suffer great hardship. Hence, the interim order needs to be vacated."

From the stand taken in the counter affidavit, it is clear that the competent authority is prepared to take note of objections, exercise his authority under Sections 30 and 31 of the Act and pass appropriate orders as are apt and legal in the facts and circumstances of this case.

The statement of 4th respondent is placed on record.

Hence, the writ petition is disposed of by directing the 4th respondent to consider the claim of petitioners for apportionment of compensation for acquiring the subject land and decide the same in accordance with law within eight weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dt: 26-09-2016
Prv

S. V. BHATT, J



