

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.28397 of 2016

ORDER:

Vide the present petition, the petitioners seek a direction to respondents to pay compensation in respect of acquisition of small extents of lands admeasuring 29 sq. yards in H.No.6-64 and 22.50 sq. yards in H.No.6-64/1 in Sy.No.440 at Sl.Nos.34 and 35 of the schedule furnished by respondent No.3 respectively situated at Alugunoor Village, Thimmapur Mandal, Karimnagar District.

Learned Government Pleader for Land Acquisition, on advance notice, submits that the petitioners had not approached respondent No.3 - Land Acquisition Officer. However, compensation amount has already been deposited with the authority under Section 77(2) 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 has drawn the attention of this Court to schedule at page No.12, wherein the name of petitioner No.2 is mentioned in the column of pattadar/occupier in respect of H.No.6-64/1, whereas the name of petitioner No.1 is mentioned in the column of pattadar/occupier in respect of H.No.6-64. Therefore, there was no occasion to deposit the compensation amount before the authority.

The compensation amount is to be deposited before the authority only if the person entitled to compensation shall not consent to receive it, or if there is no person competent to alienate the land, and if there is any dispute as to the title to receive the compensation or as to the apportionment of the

compensation. In the above eventuality, the Collector shall deposit the amount of compensation in the authority to which a reference under Section 64 would be submitted.

In the instant case, only the petitioners are shown as pattadars/occupiers of the subject property. Therefore, the respondents are directed to release compensation in favour of petitioners, within a period of two weeks from the date of receipt of a copy of this order, if there is no other claimant claiming title in respect of the subject property.

In view of the above direction, the Writ Petition stands disposed of.

Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

SURESH KUMAR KAIT, J

Dt:24.08.2016
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