

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30337 OF 2014

ORDER:

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The grievance of the petitioners is that notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") was issued on 22-11-2008 for total extent of Ac.57-04 cents situated in Anamanamuru Village, Korisapadu Mandal, Prakasam District for Veligonda Irrigation Project. The Declaration under Section 6 of the Act was issued on 22-12-2008 and award was passed and the same was set aside in WP.No.34658 of 2011 filed by the petitioner. As negotiations were failed, no award is passed as on today. As such, the petitioners are entitled for compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

In the counter filed, it is admitted that no award is passed as on today and since negotiations failed, the Land Acquisition Officer was directed to pass normal award under Section 11(1) of the Act.

Section 24 (1) of the Act 30 of 2013 reads as under:

" Notwithstanding anything contained in this Act, in any case of Land Acquisition proceedings initiated under the Land Acquisition Act, 1894.

- a) Where no award under Section 11 of the said Land Acquisition Act has been made, then all provisions of this Act relating to the determination of compensation shall apply; or
- b) Where such Award under said Section 11 has been made then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed."

Since admittedly no orders are passed under Section 11 (1) of the Act, the provisions of Act, 30 of 2013 applies relating to determination of any compensation.

In view of the same, the writ petition is allowed. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

25-04-2016
nvl

A.RAJASHEKER REDDY,J