

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.9936 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the action of respondents, in not considering the objections of the petitioners, as illegal and arbitrary.

2. The grievance of the petitioners is that they are the pattadars, owners and possessors of the agricultural lands admeasuring

Ac.1-00, Ac.0-03 guntas, Ac.1-21 guntas, Ac.0-04 guntas, Ac.0-34 guntas, Ac.1-00 and Ac.1-13 guntas covered by Survey Nos.40/A, 23, 115, 165/A, 40/2E, 44/2U and 73/1, respectively, situated at Bandaraipakula Village, Gopalpet Mandal, Mahabubnagar District, and the same were acquired by the Government for the purpose of Palamur – Ranga Reddy Lift Irrigation Project, but in the notification issued by respondent No.2 for acquiring the subject lands, in the pattadar column, against some of the subject lands, the names of others are being mentioned and in respect of some of the lands, the name of the father of petitioners was mentioned. On noticing the same, the petitioners submitted representations, dated 28.12.2015 and 23.12.2015, to respondent Nos.3 and 4, respectively, objecting for payment of compensation in respect of the subject lands and requested to refer the matter to the authority under Section 76 of the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act'). As the respondents are trying to make payments to third parties in respect of the subject lands belonging to the petitioners, without properly identifying the beneficiaries, the present Writ Petition is filed.

3. Heard learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

4. Learned Government Pleader for Land Acquisition submits that the notification, dated 21.12.2015, is not issued under the aforesaid Act and as such, the matter cannot be referred to the authorities under Section 76 of the Act.

5. A perusal of the notification, dated 21.12.2015, goes to show that the same is not issued under the aforesaid Act and as such, referring the matter to the authorities under Section 76 of the Act does not arise. However, since it is stated that the objections of the petitioners are pending before respondent No.3, respondent No.3 is directed to consider the same before making any payment in respect of the subject lands.

6. With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J

March 29, 2016

Note: Issue C.C. in two days.
B/o.MD

A. RAJASHEKER