

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 40508 OF 2016

ORDER:

This Writ Petition has been filed seeking a *mandamus* to declare the inaction on the part of Respondents 2 to 4 in considering the representation dated 13.10.2016 of the petitioners by passing the award for compensation in respect of the notified land i.e. in an extent of Acs.2.40 cents in Survey No. 38/2 and Acs.2.50 cents in Survey No. 49/1 of Koderu Village, Kunavaram Mandal, East Godavari District, as illegal and arbitrary.

The petitioners claim to be in lawful possession and enjoyment of the above-detailed land since 1994. While so, the 3rd respondent Special Collector (Land Acquisition), Polavaram Irrigation Project, Rajamahendravaram issued notification under Form VI-A under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Resettlement Act, 2013 (for short, 'the 2013 Act') on 08.07.2016. The case of the petitioners is that in the said notification, against Survey No.38/2, in an extent of Ac.2.40 cents, the name of the 5th respondent was shown as the 'possessor'. Immediately, the petitioners have submitted their objections in the form of a representation dated 13.10.2016 before the 3rd respondent, but the same has not been considered so far, is the complaint of the petitioners in this Writ Petition.

Heard learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition (Andhra Pradesh), on instructions received from the 3rd respondent through

letter dated 15.11.2016, submits that the claim of the petitioners would be considered at the time of conducting an award enquiry.

From the material available before this Court, it is evident that, as of date, a preliminary notification under Section 11(1) of the 2013 Act has been issued. After the preliminary enquiry under Section 11, a declaration under Section 19, which is akin to the one prescribed under Section 6 of the 1894 Act, is to be issued. Thereafter, the persons interested can make application raising objections as to their entitlement of compensation and there is a duty cast on the Land Acquisition Officer to conduct inquiry in terms of Section 23 while making an Award determining the quantum of compensation and also the interests of the persons claiming compensation. In this context, the Land Acquisition Officer had rightly communicated to this Court that the claim of the petitioners would be considered at the time of conducting Award inquiry. Inasmuch as the petitioners had sent their objections even before issuance of the declaration under Section 19 of the 2013 Act, necessarily, they would be required to raise the objections after the publication of declaration under Section 19. As of date, there is no publication made under Section 19 of the Act.

In those circumstances, leaving it open to the petitioners to raise objections in terms of the Act, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

23rd November 2016

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