

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3961 of 2011

ORDER:

This writ petition was filed challenging the action of respondent No.1-Land Acquisition Officer in not referring the matter to a Civil Court under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') in spite of the representation, dated 18.12.2010, submitted by the petitioners.

It is the case of the petitioners that notification under Section 4 (1) of the Act was issued on 23.03.2010 for acquiring various extents of land (total admeasuring Acs.24.96 cents) in different survey numbers of Pedarkur Village, Kunavaram Mandal, Khammam District. The petitioners state that the said lands originally belonged to their grandfather, Chichadi Peda Seshaiah, and he died in the year 1980. He was having two daughters, namely Thurram Pichamma and Thurram Buchamma. The petitioners are the children of Thurram Buchamma, who died 20 years back, whereas respondent Nos.3 and 4 are the children of Thurram Pichamma, who died 10 years back. But, in the revenue records, the name of mother of respondent Nos.3 and 4 was recorded. However, the petitioners are in possession of the land. The petitioners submitted a representation on 18.12.2010 to respondent No.1 to refer the matter to the Civil Court under Section 30 of the Act as they claim that they

are also entitled for compensation. When no action has been taken on the representation, the present writ petition was filed.

This Court by order, dated 21.02.2011, directed respondent No.1 not to pay the compensation and the said order has been in operation till today. Seeking vacation of the said order, respondent No.1 filed WVMP No.3733 of 2011 and respondent Nos. 3 and 4 filed WVMP No.3905 of 2013.

The counter-affidavit filed by respondent No.1 states that the lands were sought to be acquired as they are coming under submergence of Indira Sagar (Polavaram) Project. Notification under Section 4 (1) of the Act was issued, declaration under Section 6 of the Act was published and award enquiry was conducted on 04.07.2011, but the award was not passed. In the meanwhile, the petitioners approached this Court on apprehension that their representation would not be considered. At such stage, reference to the Civil Court does not arise. Though the petitioners are in possession of the land in view of the decree, dated 05.12.2000, passed in O.S.No.114 of 1997 on the file of the Special Assistant Agent, Mobile Court, Bhadrachalm, the notification was issued in the names of respondent Nos.3 and 4. Ultimately, it is stated that at the time of award enquiry, the objections of the petitioners would be considered.

The counter-affidavit of respondent Nos.3 and 4 states that the land belongs to them.

The only point raised in the present writ petition is with regard to the consideration of the representation, dated 18.12.2010, submitted by the petitioners for referring the matter to the Civil Court under Section 30 of the Act as they are claiming a share in the compensation on the ground that they are joint owners along with respondent Nos.3 and 4.

The counter-affidavit of respondent No.1 states that the stage has not yet come. It is not known whether any award was passed as on today. If an award is passed already, respondent No.1 is directed to take appropriate action for referring the matter to the Civil Court under Section 30 of the Act in view of the rival claims made by the petitioners and respondent Nos.3 and 4. As and when such reference is made, the Court, to which the matter was referred to, shall dispose of the same as expeditiously as possible.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:27.10.2016
kdl

