

THE HON'BLE SRI JUSTICE A.V. SESA SAI

CONTEMPT CASE No.439 OF 2015

ORDER:

This is an application filed under Sections 10 to 12 of the Contempt of Courts Act, 1971, alleging wilful disobedience of the order dated 24.03.2014, passed by this Court in W.P.No.738 of 2007.

2. Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition for the respondents.

3. Petitioner herein filed the main writ petition, assailing the action of the respondents in laying road on the land of the petitioner, admeasuring Acres 0.16 guntas in Survey Nos.607 and 608 of Ghatkesar Village and Mandal, Ranga Reddy District, as arbitrary, unconstitutional and violative of Article 300-A of the Constitution of India and for a consequential direction to pay the market value of the said land as compensation to the petitioner. This Court, by way of an order dated 24.03.2016, disposed of the said writ petition, directing the respondents 1 to 5 in the writ petition to take appropriate action in accordance with law, for payment of compensation to the petitioner for the land admeasuring Acres 0.16 guntas in Survey Nos.607 and 608 of Ghatkesar Village, Ranga Reddy District, used for the purpose of laying road, within a period of six months after completing all the formalities.

4. In the present contempt case, it is alleged that the respondents herein have violated the said orders passed by this Court.

5. Responding to the notice issued by this Court, a counter affidavit deposited by the District Collector, Medchal-Malkajgiri District, is filed stating that on the requisition proposals sent by the Chief Engineer (R&B), NH Division Hyderabad, a joint inspection was conducted and the proceedings under the land acquisition were initiated and a preliminary notification under Section 11(1) of the Land Acquisition Act, for an extent of Acres 0.12 guntas was issued in the Gazette and a draft declaration under section 19(1) of the Act, for an extent of Acres 0.11 guntas was issued thereafter. Counter further states that an award was passed in respect of an extent of Acres 0.11 guntas in Survey Nos.607 and 608 on 30.06.2016, for an amount of Rs.1,96,12,318/- by the Special Deputy Collector, Land Acquisition (Inds.), Hyderabad and the respondents paid the compensation amount of Rs.1,76,51,087, after deduction of 10% towards income tax i.e., Rs.19,61,231/- and credited the said amount to the petitioner's SBI Bank account in Chaitanyapuri branch through Pay & Accounts Office, Ranga Reddy District.

6. At the time of hearing, it is stated by the learned counsel for the petitioner that as directed by this Court respondents

have not paid the amount of compensation as per the Land Acquisition Act.

7. On the contrary, it is submitted by the learned Government Pleader that in the event of disputing the extent of the land and the quantum of compensation, the petitioner herein can ask for reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act').

The said provision of law reads as under:

“64. Reference to Authority: —

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made —

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award, whichever period shall first expire.

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

8. Since the respondents herein have substantially complied with the orders passed by this Court, this Court deems it appropriate to close the present contempt case, leaving it open for the petitioner herein to avail the remedy as provided under Section 64 of the Act.

9. Accordingly, contempt case is closed, with a liberty to the petitioner herein to avail the remedy under Section 64 of the Act.

10. Miscellaneous petitions pending consideration, if any, in this case stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

16.12.2016

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