

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 3301 OF 2011

ORDER:

It is the case of the petitioners that one Challuri Muthaiah and his brother Challuri Pochaiah, residents of Singapur Village, Mancherial Mandal, Adilabad District, owned an agricultural land of an extent of Ac. 9.15 guntas and Ac. 8.00 guntas at Tallapalli Sivar, Mancherial Tahsil, Adilabad District, in survey Nos. 172 and 173 and other land covered in survey Nos. 16, 17 and 75 admeasuring Ac. 1.16 guntas, Ac. 1.05 guntas and Ac. 7.05 guntas respectively situated in Singapur Village, Mancherial Mandal. They were issued ownership certificate by the Tahsildar on 06-08-1970 and they are recorded as patta lands of the said brothers. However, Challuri Pochaiah died without any legal-heirs and Challuri Muthaiah got four daughters. One of the daughters, Rajamma, died leaving behind her son Jadi Yesu, the 4th respondent herein. The other three daughters are the petitioners herein. The land was notified for the purpose of opening cost mining operation of Singareni Company Limited under three separate notifications dated 24-09-2007, 16-09-2008 and 27-01-2009. In respect of the notification dated 24-09-2007, an award was passed on 03-08-2009; in respect of the notification dated 16-09-2008, an award was passed on 25-10-2010 and in respect of the notification dated 27-01-2009, an award was passed on 30-06-2011. In view of the title dispute, the award passed on 03-08-2009 was referred to the civil Court whereas the compensation of the two other awards has been kept in civil deposit without reference to the competent civil Court. Now, there is a claim by the petitioners and the 4th respondent with regard to the awarded amount.

2. There is no dispute with regard to the passing of the award. The claim of the petitioners and the 4th respondent cannot be decided by the Land Acquisition Officer and the competent civil Court alone has to decide the dispute. It appears that there was a reference with regard to the compensation covered by the land

in survey Nos. 172 and 173. In respect of the land in survey Nos. 16, 17 and 75, the matter was not referred. In the circumstances, this Writ Petition is disposed of directing the 2nd respondent to refer the dispute with regard to the entitlement of compensation in respect of the awards dated 25-10-2010 and 30-06-2011 covered by the land in survey Nos. 16, 17 and 75 to the competent civil Court for adjudication within a period of three months from the date of receipt of a copy of this order. It is also open to the petitioners to seek a reference under Section 18 of the Land Acquisition Act, 1894, if a copy of the award was not already served on the petitioners.

3. The Writ Petition is, accordingly, disposed of. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed in consequence. No order as to costs.

Date: 02nd November, 2016.
JSK

A.RAMALINGESWARA RAO, J.

