

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION Nos.29674, 30962, and 30982 of 2016

COMMON ORDER:

Since all these Writ Petitions arise out of same award, therefore, are heard together and are being disposed of, by this common order, at the stage of admission.

Petitioners seek a direction to respondents to compute the market value and pay compensation as per First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013').

The petitioners' lands, in Sy.No.193/4, situate at premises No.1-11/252/1, Sardar Patel Road, Secunderabad, were proposed for acquisition for widening of Sardar Patel Road, Secunderabad.

Learned counsel for the petitioners submits that the petitioners have not accepted the award of the Special Deputy Collector, Land Acquisition, GHMC (respondent No.4), under Section 23 of the Land Acquisition Act, and has requested, by the accompanying application, that the matter be referred to the Court and, accordingly, reference was made to the Principal District Sessions Judge, Civil Court, Ranga Reddy District by respondent No.4.

Learned counsel for the petitioners further submits that, while there is no dispute with regard to claim or title, reference ought not to have been sent to the Civil Court as

noted above. However, reference had to be sent to the authority constituted under Section 51 of Act 30 of 2013 and reference be treated as an application under Section 64 of Act 30 of 2013.

Learned Government Pleader for Land Acquisition does not dispute the fact and would submit that, instead of seeking reference from the Civil Court, it ought to have sent to the authority to be appointed under Section 51 of the Act.

In that view of the matter, seeking reference from the Civil Court is nonest. The issue of enhancement of compensation has to be decided by the authority constituted under Section 51 of Act 30 of 2013.

Keeping in view the facts and submissions of the counsel for parties, I hereby direct the Government of Telangana to take steps and constitute the authority under Section 51 of Act 30 of 2013, within four weeks from the date of receipt of a copy of the order, as was directed by this Court in W.P.No.30209 of 2016 vide order dated 17.09.2016.

The petitioner is accordingly directed to file a petition/application before the Collector/respondent No.2, under Section 64 of the Act 30 of 2013, and the said application shall be referred by respondent No.2 to the authority to be constituted under Section 51 of Act 30 of 2013 within two weeks from the date of constitution.

Needless to state that, if the petitioners are still aggrieved by the inaction of the Government, liberty is granted to them to approach this Court under proper petition.

With the above direction, the Writ Petitions stand disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

SURESH KUMAR KAIT, J

Dt:14.09.2016
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