

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P.No.26904 OF 2016

ORDER:

Vide present writ petition, petitioner seeks direction thereby declaring the action of the respondents in dispossessing him from the land admeasuring 200 sq. yards in Survey No.190/1 situated at Pragadavaram Village, Chintalapudi Mandal, West Godavari District, without payment of fair compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') as illegal and arbitrary and consequent direction to the respondents to pay compensation as per provisions of the Act.

Heard learned counsel for both parties and perused the material placed on record.

Learned counsel appearing on behalf of the petitioner submitted that Award was passed, which is not adequate and the petitioner has challenged the same before the competent authority for enhancement of the compensation amount.

Learned counsel appearing on behalf of the respondents, on advance notice, submitted that under Section 64 of the Act, the competent authority is not in existence and has assured this Court that as and when the said authority is constituted, the petitioner shall be made an application for enhancement of the compensation.

Keeping in view the averments made in the writ petition and the submission of learned counsel for the parties, this writ petition is disposed of giving liberty to the petitioner to file an application before the Authority to be constituted under Section 64 of the Act. The authority to be constituted under Section 64 of the Act is directed to dispose of the representation said to have been made by the petitioner

and pass appropriate orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of the application. It is needless to mention that if the petitioners are still aggrieved by the action or inaction of the respondents, they may approach appropriate forum. No order as to costs.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

SURESH KUMAR KAIT,J

Date: 12.08.2016

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