

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35195 of 2016

ORDER:

The petitioners pray for the following relief :-

“..... to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the objections submitted by the petitioners dated 12-09-2016 and 14-10-2016 along with their title documents in respect of the lands in Sy. No. 40, admeasuring Ac. 0-17 guntas, Sy. No. 115, admeasuring Ac. 3-06 guntas, Sy. No. 116, admeasuring Ac. 4-02 guntas, Sy. No. 126, admeasuring Ac. 0-29 guntas and Sy. No. 165, admeasuring 0-28 guntas and other lands at Bandraipakula village, Revalla Mandal, Wanaparthi District, and proposing to pay the compensation in respect of the above to the allege protected tenants, as illegal, unlawful, contrary to law and consequently direct the respondents to consider the above representations of the petitioners before making the payment of the compensation in respect of the above lands.....”

At request of learned Government Pleader (Land Acquisition), the matter underwent two adjournments and he has placed on record the instructions received along with letter dated 19-10-2016.

The operative portion reads thus :-

“I submit that on 26-09-2016, the Preliminary Notification under Section 11(1) of the Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 has been published and the Draft Declaration under Section 19 (1) of the said Act has not been yet published. The Award enquiry has not yet been completed and the apportionment is not yet at made. Hence, the question of paying the compensation to a particular person or persons does not arise at this stage of the case. Hence, the question of not considering the claim of the petitioners does not arise. It is therefore submitted that the notification vide Gazette No.46/2016, dated 24-09-2016 is issued for the acquisition of the lands required, including the land in Sy.No.40, 115, 116, 126 and 165 admeasuring an extent of Ac.0-17, 3-06, 4-02, 0-29 and 0-28 respectively and by mere publication of the Notification, it does not mean that the compensation is proposed to be paid to any one particular person or persons. Hence, the publication of the Notification is quite legal, lawful. It is further submitted that the compensation will be paid only to the rightful owner of the land as per the Revenue records after giving every opportunity to the petitioners.”

Learned counsel for petitioners, after perusing the instructions sent by respondent No.4, submits that the same can be placed on record and dispose of writ petition.

The statement of 4th respondent is placed on record.

As stated by 4th respondent, as and when either the acquisition, determination and payment of compensation for acquiring the subject land is taken up, the respondents shall put the petitioners on notice, consider their objections and pass orders in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 25-10-2016
Prv



S. V. BHATT, J

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25-10-2016

Prv

