

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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Writ Petition No.26497 of 2016

ORDER:

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Vide present writ petition, the petitioners seek writ of *Mandamus*, declaring the order issued by the 2nd respondent vide Proc.Rc.D/2293/2003 dt.22.04.2016 (rejecting the representation of the petitioners for re-determination of compensation), as illegal.

2. Learned counsel for the petitioners submits that pursuant to the directions passed in WP No.8432 of 2016, on the representation dated 08.01.2016 of the petitioners for re-determination of the compensation under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act'), the Revenue Divisional Officer, Kothagudem-2nd respondent, passed orders vide dated 24.04.2016 stating that the petitioners are claiming enhanced compensation for the lands acquired in Madharam Village of Singareni Mandal, but they have mentioned the date of Award as 08.04.1982. In fact, the date of award passed on 08.04.1982 pertains to the lands acquired in Pocharam Village of Garla Mandal, which is numbered as Award No.1.

3. It is further stated that the petitioners are not the parties to the proceedings in OP Nos.177 to 209 of 1986 and 56 to 59 of 1987 on the file of the civil court and AS No.2328 of 1988 on the file of the Division Bench of this court. The petitioners have not filed any petition under Section 28-A of the Act for re-determination of the compensation amount and they have not related with the orders dated 04.11.1996 of the Land Acquisition Officer.

4. In view of the above, after arguing for some time, learned counsel for the petitioners seeks permission of the court to withdraw the writ petition with liberty to file a petition before the respondents

under Section 28-A of the Act as per provisions laid down in the Act.

5. Permission is granted with liberty as prayed for. The petitioners are directed to file a petition under Section 28-A of the Act before the respondents within a period of one month from the date of receipt of a copy of this order and on such filing of the petition, the respondents are directed to take decision thereon within two months from the date of filing of the said petition, in accordance with law and communicate the decision taken thereon within one week thereafter.

6. With the above direction, the writ petition is disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition shall stand closed.

SURESH KUMAR KAIT, J

Date: 31.08.2016
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