

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

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W.P. No. 18051 of 2016

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DATE: 04.08.2016

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Between:

Tippana Nagi Reddy
and six others

.. Petitioners

And

The State of Telangana
and three others

.. Respondents

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ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents in not referring the issue (Award dated 08.01.2016, vide File No.F/2196/2015 of the 4th respondent) to the authority/court to determine fair compensation by considering the representations of the petitioners dated 02.03.2016, as illegal and arbitrary and against the Rules of the Right to Fair Compensation, Rehabilitation and Resettlement Act, 2013.”

The learned counsel for the petitioners has submitted that the petitioners' lands were acquired by the Land Acquisition Officer for the purpose of Yadadri Thermal Power Station, but they were awarded meager compensation as against the present rates of the acquired lands which fetch more value. He has further submitted that the petitioners made representation dated 02.03.2016 requesting the

2nd respondent to pay higher compensation, but the

2nd respondent has neither considered their representation nor referred the matter to authority / Court for determination of compensation.

The 4th respondent has filed counter affidavit stating that since the Telangana Government has not constituted any competent authority to whom the matters may be referred for redressal as per Section 64(1) of Land Acquisition Rehabilitation and Resettlement Act, 2013 and after establishment of an Authority, the petitioners' application will be referred and considered for determination of compensation.

It is not in dispute that the petitioners are not satisfied with the Award dated 08.01.2016 passed by the 4th respondent and till date Competent Authority has not been constituted by the State of Telangana for reference of the matters for determination of compensation.

In view of the submission made by the learned counsel for the petitioner and the stand taken by the 4th respondent in the counter affidavit that after Competent Authority is constituted by the Telangana Government, the petitioners' application will be referred to him for redressal of their grievance, this Court deems it appropriate to dispose of the writ petition with the following direction:

“The 2nd respondent – District Collector, Nalgonda District is directed to constitute Competent Authority as per the provisions of Section 64(1) of Land Acquisition Rehabilitation and Resettlement Act, 2013 within a period of four weeks from the date of receipt of a copy of this order.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand

disposed of as infructuous.

SURESH KUMAR KAIT, J

04.08.2016

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