

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

SATURDAY THE SEVENTEENTH DAY OF SEPTEMBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 31470 OF 2016

Between:

Biroju Eshwaraiah

...

Petitioner

V/s.

The Union of India
Rep. by its Secretary
Department of Ministry of Road
Transport & High ways,
New Delhi & Ors.

...

Respondents



Counsel for the Petitioner:

Sri Mittakola Venkatarama Rao

Counsel for the Respondents:

Addl.Solicitor General for R1 & R3
Sri S.S. Varma for R-2
GP for Land Acquisition for R4 & R5

The court made the following:

[order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITWRIT PETITION NO. 31470 OF 2016ORDER :

This writ petition is filed by the petitioner seeking mandamus to declare the action of fourth and fifth respondents in not disposing the petitioner's objection petition/representation dated 23/8/2016 submitted to the fourth and fifth respondents as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution of India, apart from being violative of principles of natural justice and to pass such other suitable orders as this Court may deems fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner, learned Additional Solicitor General for Respondent Nos.1 and 3, Sri S.S.Varma, learned Standing Counsel for Respondent No.2 and Government Pleader for Land Acquisition for Respondent Nos. 4 and 5.

3. It is an admitted case that land acquisition award has been passed and deposited in the account of the petitioner. The grievance

of the petitioner is that the award amount is not adequate in terms of the value of the land. For the said purpose, he filed objection petition/representation under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 [Act No.30 of 2013, w.e.f. 1-1-2014] {for brevity 'The Act'}. However, since the authority under section 51 is not in existence, the representation of the petitioner has not been disposed of.

4. It is noted that, the representation referred to above made by the petitioner to the fourth and fifth respondents for the purpose of consideration, has not been decided. Section 3-G [5] of the Act comes into play and sub-clause [5] of 3-G provides that if the amount determined by the competent authority under sub-section [1] or sub-section [2] is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

5. As submitted by learned counsel for respondent Nos. 1 to 3 that the District Collector is an ex-officio arbitrator under section 3-G [5] of the Act, therefore, the said respondent has to decide the objection petition/representation made by the petitioner. Since the petitioner has already made representation dated 23/8/2016 to the respondent No.4 District Collector, Warangal to take call and appoint arbitrator to decide the objection petition/representation made by the petitioner. Therefore, it would be proper to direct respondent No.4 District Collector, Warangal to consider the representation dated 23/8/2016 made by the petitioner.

6. Keeping in view, the averments made in the affidavit filed in support of the petition and submission of the counsel for the parties, I hereby direct the respondent No.4-District Collector, Warangal to dispose of the objection petition/representation dated 23/8/2016 made by the petitioner after affording reasonable opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks, from the date

of receipt of a copy of this order. I hereby make it clear that the orders passed on the objection petition/representation dated 23/8/2016 shall be communicated to the petitioner within one week thereafter.

8. In view of the above direction, the writ petition is disposed of at the stage of admission. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.



JUSTICE SURESH KUMAR KAIT.

17/09/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 31470 OF 2016



Date: 17/09/2016
Circulation No.
Court Master: I s L