

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No. 25213 of 2016

ORDER:

Vide the present petition, the petitioner seeks direction thereby directing the 2nd respondent to refer the two petitions dated 05.05.2016 made by the petitioner for referring the cases pertaining to two Awards dated 21.12.2015 and 05.05.2016 for enhancement of compensation to the competent authority as per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

2. Heard learned counsel for the petitioner, and the learned Government Pleader for Land Acquisition (AP).

3. Learned Government Pleader, on instructions, submits that the Awards were passed with the consent of the petitioner and therefore Section 64 of the Act cannot be invoked in the case of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner received the Awards under protest and therefore it cannot be said that the Awards were passed with the consent of the petitioner.

5. Be that as it may. The petitioner received the Award. There is no embargo in seeking reference before the Competent Authority for enhancement of compensation under Section 64 of the Act. At this stage, the learned Government

Pleader has informed this Court that the Competent Authority has not been constituted and for this purpose they already requested this High Court.

6. Keeping in view the facts of the case and the submissions of the learned counsel for both the parties, I hereby direct the 2nd respondent to refer the two petitions of the petitioner, dated 05.05.2016, pertaining to the two Awards dated 21.12.2015 and 05.05.2016, under Section 64 of the Act to the Competent Authority, within two weeks from the date of constitution of the Competent Authority.

7. The writ petition is accordingly disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

SURESH KUMAR KAIT, J

11th Aug, 2016

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