

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P.No.26336 OF 2016

ORDER:

Vide present writ petition, the petitioner seeks Mandamus declaring the action of the respondents in not applying the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Central Act 32 of 2013') to the items of property of the petitioner acquired which include dwelling structure in an extent of 181 sq. yards and agricultural area in an extent of 182 sq.yards in P.No.20, situated at Rachapalli Village, Manthani Mandal, Karimnagar District, under Award No.B1/598/2009, dated 26.09.2015 as illegal and arbitrary.

Learned counsel appearing on behalf of the petitioner submitted that the respondents acquired the property of the petitioner including dwelling structure, but did not include the dwelling structure in the award.

Learned Government Pleader appearing on advance notice submitted that the issue raised in the writ petition would be decided by the authority to be constituted under Section 64 of the Act and that at present the authority under the said Act is not in existence.

Keeping in view the averments made in the writ petition and submissions of learned counsel for the parties, the writ petition is disposed of giving liberty to the petitioner to file an application before the Authority to be constituted under Section 64 of the Act. The said said authority to be constituted under Section 64 of the Act is directed to dispose of the representation said to have been made by the petitioner and pass appropriate orders thereon, within a period of two weeks from the date of receipt of the same, in accordance with law. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

SURESH KUMAR KAIT,J

Date: 12.08.2016
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