

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.11794 OF 2007

Date 15.12.2017

Between:

Singavaram Chenna Reddy and others.

... Petitioners

AND

The Special Deputy Collector and Land Acquisition
Officer, Somasila Project, Unit-IV, Rajampet, Kadapa
District.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.11794 of 2007

ORDER:

The Writ Petition is filed by the petitioners seeking reference to the Civil Court, under Section 18 of the Land Acquisition Act, 1894 (the Act), in respect of their lands in Dandalapalli Village, by implementing the order of this Court in W.P.No.4663 of 1988 dated 13.11.1989.

Brief facts, according to the petitioners, are that notification, under Section 4(1) of the Act was issued; respondents neither served copy of the award nor notice of the award on the petitioners; petitioners requested that the matter be referred to the Civil Court under Section 18 of the Act; petitioners received the amount under protest; as the Land Acquisition Officer did not refer the matter, the petitioners filed W.P.No.4666 of 1988; by order dated 13.11.1989, this Court directed to refer the matter to the Civil Court; but, however, the Land Acquisition Officer did not implement the same; and hence the Writ Petition.

Counter affidavit is filed by the respondent – Land Acquisition Officer *inter alia* stating that, award enquiry, under Section 11 of the Act, was conducted on 21.01.1978 and 25.01.1978; no objections have been received at the time of award enquiry; notices, under Section 12(2) of the Act, were served on all the awardees; Form “AA” and “CC” revealed that compensation was received by the petitioners without any

protest; award was passed on 01.01.1979; Section 12(2) notices were also served on petitioners; after a lapse of nine years from the date of passing of award, petitioners approached this Court; as no application, under Section 18 of the Act, was filed by the petitioners, no action could be taken pursuant to the orders of this Court in W.P.No.4663 of 1988 dated 13.11.1989; and the present Writ Petition is filed after 28 years.

Heard the learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

No reply, whatsoever, has been filed by the petitioners disputing the contents made in the counter affidavit.

Learned counsel for the petitioner contends that respondents ought to have referred the matter to the Civil Court in terms of the order in W.P.No.15908 of 1983 and batch dated 13.11.1989, wherein this Court directed the Land Acquisition Officer to refer the matter to the Civil Court.

Having kept quite from 1989, the petitioner filed the writ petition in 2007 to implement the order in passed in W.P.No.4663 of 1988 dated 13.11.1989. As seen from the order, it was recorded that compensation was received without protest, and no application has been filed seeking reference under Section 18 of the Act. As the petitioners approached this Court after a lapse of 28 years after passing of award and as compensation was received without any protest and, as the petitioners did not file any application

seeking reference, the question of referring the matter to the Civil Court, under Section 18 of the Act, does not arise.

In view of the facts and circumstances, the Writ Petition is dismissed. However, in the circumstances, without costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:15.12.2017
usd

