

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 1394 of 2017

ORDER:

1) The present writ petition came to be filed with the following prayer:

“to issue an order or direction more particularly in the nature of mandamus challenging the impugned action of the respondents 2 and 3 in not referring the matter to the competent authority as per Sections 64 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the Act”) in pursuance of the objections/claim filed by the petitioners dated 03.11.2016 in respect of land admeasuring Ac.13.13 gts., in Sy.No.193, Ac.10.03 gts., in Sy.No.416 and Ac.7.14 gts., in Sy.No.417, situated at Sreedhara Veleru Village, Kuknoor Mandal, West Godavari District, which was sought to be acquired for the purpose of Polavaram Project in pursuance of the preliminary notification vide R.C.No.E-126264/ 2016/ R&R, dated 21.06.2016 issued by the second respondent under Section 11 (1) of the Act and Declaration vide Poc.No.E-126264/ 2016/ R&R, dated 22.09.2016 issued under Section 19 (1) read with 25 (1) of the Rules and proposing to pay compensation to respondents 4 to 5 as arbitrary, illegal, void abinitio besides violative of Articles 14 and 300-A of the Constitution of India read with Sections 64 and 76 of the Act; and direct the respondents 2 and 3 to refer the matter to the competent authority under Section 64 read with 76 of the Act for apportionment of the compensation in

respect of the subject lands by duly depositing the entire compensation amount with the competent authority.”

2) It is represented by the learned counsel for the petitioner that the issue involved in the writ petition is squarely covered by an order of this Court, dated 14.03.2016, rendered in W.P.No.46105 of 2016, the same is not disputed by the learned Government Pleader for Land Acquisition.

3) In that view of the matter, following the order dated 14.03.2016 passed in W.P.No.46105 of 2016, this writ petition is disposed of with a liberty to the petitioner as well as respondent Nos.6 to 14 to raise their respective claims before the third respondent, in which event the same shall be considered and pass appropriate orders, in accordance with law. There shall be no order as to costs.

4) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

JUSTICE C. PRAVEEN KUMAR

27.04.2017

Note: Registry is directed to attach copy of the order, dated 14.03.2016 in W.P.No.46105 of 2016 to this order.

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