

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.26223 OF 2017

ORDER

Sri Chennakesava Swamy Vari Devasthanam, Duggirala, is the petitioner herein. The land in an extent of Ac.17.41 cents situated in Sy.No.405 of Duggirala Village and Mandal, Guntur District, belonging to the temple was acquired by the State Government for the purpose of providing house sites to the weaker sections and possession was taken by the Government on 26.03.1999. House site pattas were granted to the eligible beneficiaries, who constructed houses thereon. Since the urgency clause was invoked, an amount of Rs.11,76,916/- was initially paid to the petitioner-temple while taking possession of the said property, but no award has been passed till date. Though the Land Acquisition Officer prepared a statement for payment of balance amount of Rs.32,11,623/-, no amount has been paid. Though the Revenue Divisional Officer, Tenali, Guntur District, *vide* proceedings in R.C.No.2198/2002/A, dated 29.01.2016, intimated to the Collector, Guntur, for release of funds in order to pay compensation to the temples, after taking possession of the land, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) came into force with effect from 1.1.2014 and by virtue of

Section 24 (1) (A) of the said Act, no award was made. Section 11 of the Land Acquisition Act, 1894, states that the provisions of the new Act would apply in relation to determination of compensation.

The petitioner states that because of acquisition of land belonging to the temple, the income of the temple has decreased and it is difficult to meet the expenses for daily rituals. Though the petitioner submitted a representation on 29.12.2016 to the 2nd respondent, who addressed a letter on 23.1.2017 to the 3rd respondent, no action has been taken so far.

Even in the present writ petition, when a notice was issued on 7.8.2017 and the case was adjourned on 13.09.2017, there is no response from the respondents.

In the circumstances, this writ petition is allowed directing respondents 2 to 4 to comply with the provisions of the Act 30 of 2013 and pay compensation to the petitioner within three months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

4th October, 2017
rkk