

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17702 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in not furnishing the award notice under Section 38 (2) of the Act and also not referring the matter to authority constituted under Section 52 of the Act in spite of the petitioner representation dated 11.04.2017 in connection with the petitioner lands situated in Sy No. 180 of an extent of Ac.0.35 gts situated at Kivvaka Revenue Village, Kukunuru mandal, West Godavari District inspite of the ROR appeal pending before the 4th respondent without showing the petitioner name in the Land Acquisition Notification dt. 03.12.2016 and trying to pay the compensation amounts in favour of the respondents 6 to 8 and also without following the provisions of Section 76 & 77 and 52 and 64 of Land Acquisition Act 2013 and without issuing any notice and without passing the award and without considering the objections of the petitioner is illegal and avoid and opposed to Article, 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the authorities constituted under Section 52 of the Act by depositing the entire compensation amount in respect of the land

in question and to pass such other order or orders in the interest of justice.”

2. Heard learned counsel for the petitioner and the learned Govt. Pleader for Land Acquisition representing respondents 1 to 5 and also perused the written instructions dt.03.06.2017 received by the learned Government Pleader from the Sub Collector & Land Acquisition Officer, Kukunoor, which shows that award was passed under Section 21 of the Land Acquisition Act by conclusion of the enquiry and the unofficial respondents 6 to 8 participated in the enquiry and the bills for payment of compensation to the award are only under preparation through online payment system.

3. Perused the writ petition prayer and also the affidavit averments and also the supporting material and it is the grievance of the petitioner of there is no knowledge or opportunity and he got title over the properties and revenue record is pointing out the title of the petitioner, that was ignored even by the respondents while passing the award.

4. Having regard to the above, this writ petition is disposed of, directing the petitioner to give fresh representation pursuant to the representation dated 11.04.2017, received by the Revenue Divisional Officer, Kukunoor, with supporting documents and therefrom after due enquiry including the unofficial respondents to the writ petition, within one week

from today. The Land Acquisition Officer shall decide the said representation within one month thereafter. The claims, any payment of compensation, is at the risk and in the event of entitlement by the petitioners that will not come in the way for not to pay.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

09.06.2017
SS

DR.B.SIVA SANKARA RAO,J

