

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.23035 of 2017

ORDER:

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

“to issue an appropriate Writ order or direction, more particularly in the nature of Mandamus, declaring the action of the respondents 1 to 4 in taking steps to pay the compensation amounts under the Rehabilitation & Resettlement Scheme of Polavaram Project in favour of unofficial respondents 6 to 9 herein, in respect of the house site measuring an extent of Ac.0.50 cents consisting of the House No.1-69, 1-76, 1-77, 1-78, 1-79, situated at Chigurumamidi Village, Nallaram Gram Panchayat, Velerupadu Mandal, West Godavari District, without considering the claim petition dated 27.02.2017 is illegal, arbitrary and violative of principles of natural justice, and consequently direct the 4th respondent to consider the claim petition of the petitioner dated 27.02.2017 for the purpose of benefits of R & R scheme and release the compensation to the petitioner and to pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case and in the interest of justice.”

2) Heard learned counsel for the petitioner and also learned Government Pleader for Land Acquisition representing respondent Nos.1, 3 to 5, learned Government Pleader for Irrigation representing respondent No.2 before ordering notice to unofficial respondent Nos.6 to 9 and perused the prayer in the writ petition with supporting affidavit and other material on record.

3) Despite objections of the petitioner made by a representation on 27.02.2017, and the same was acknowledged by respondent No.4 but without considering the same, the authorities are going to acquire and pay compensation in favour of the unofficial respondents 6 to 9.

4) Even from perusal of the writ petition filed in support of the affidavit, there is no notification under Section 11 of the land Acquisition Act, 1894 (for short 'the Act') and declaration under Section 19 of the Act after the enquiry contemplated under Section 15 of the Act 30 of 2013. Thereby, the writ petition itself is disposed of directing the respondents to dispose of the representation of the petitioner, dated 27.02.2017 within one (1) month from the date of receipt of copy of this order and communicate the decision to the petitioner. Other grievance, if any, is left open.

5) Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.07.2017
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