

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

**WRIT PETITION Nos.18543, 21347, 21360 AND
21378 OF 2017**

COMMON ORDER:

Since the prayer in all these writ petitions are one and the same, these writ petitions are disposed of by this common order.

2. By way of these writ petitions, the petitioners are seeking a direction to the Sub-Collector-cum-Revenue Divisional Officer, to refer their applications to the Authority under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013.

3. Heard learned counsel for the petitioners and also the learned Government Pleader for Land Acquisition representing the respondents and perused the prayer in the writ petition with supporting affidavit and also perused the provisions of Act 30 of 2013, particularly Sections 30, 37, 38, 64, 76 and 77 respectively.

4. From the reading of the very award, there are rival claims over the property and the matters are referred under Sections 76 and 77, no doubt by also mentioning Section 64, in fact for more clarity Section 76 is correlated to Section 30 of the Act 1894 and Section 64 is correlated to Section 18 of the said old Act. Either under old Act or even under the new Act provisions supra, there is nothing to say disentitlement to

the reference sought for enhancement of compensation. It is not even the case of amount of compensation paid or received without protest, that too, when a reference in relation to rival claim being referred to civil court for decision by the collector as mentioned in the award so to refer and in depositing in civil court and not even payment in compliance of Sections 37 and 38 r/w 77 of the Act, the applications are in time also.

5. From the representation of the petitioners saying they came to know of the award only ten days back to the date of representation and within no lapse of time in filing the application impugning the quantum fixed in the award dated 04.01.2016

6. Having regard to the above, these writ petitions are disposed of, to refer the matters to the Authority under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, on the claim of enhancement of compensation which no doubt subject to the result of the rival claims reference pending if any.

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

DR.B.SIVA SANKARA RAO, J

06.07.2017
SSs