

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos.24805 and 25175 of 2017

Common Order:

These two Writ Petitions are being disposed of by this common order, as the issue involved in both the Writ Petitions is common in nature.

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

It is the case of the petitioners that their lands and houses were taken over under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') for the purpose of construction of Mid Manair Reservoir. It appears that at one point of time, compensation for the lands was given during the year 2008-09 by dividing the lands into three categories namely A, B and C. It is the case of the petitioners that till today no compensation is paid to the structures including houses that are going to be submerged under the project. There was some dispute with regard to value for the structures and it was being periodically estimated by constituting committees. The petitioners state that their villages Kodumunja and Neelojipalli are coming under submergence and no proper rehabilitation and settlement was given in respect of those villages. When a public notice was issued on 04.07.2017 asking them to vacate their villages as the water would be released and stored in the Mid Manair Reservoir project, they filed the present Writ Petitions.

In view of their grievance, the petitioners were asked to appear before the Land Acquisition Officer on 09.08.2017 for taking the tentative

compensation amount and submit their written representations with regard to structures and structural value before the competent authority.

Learned Government Pleader, on the basis of written instructions, submits that except petitioner No.8 in W.P.No.24805 of 2017 the other petitioners did not receive the amount of compensation.

Learned counsel for the petitioners submits that without settling the compensation, the petitioners are being forcibly evicted from the lands.

The land acquisition proceedings have become final and what remains is only the settlement of compensation amount for the structures. There is a dispute with regard to existence of the structures and the said dispute cannot be decided in the present Writ Petitions. The structural value has to be determined by the competent authorities and the provisions of the Act 30 of 2013 are very clear in this respect. Section 77 read with Section 64 of the Act deal with the same.

Since there is a dispute with regard to payment of compensation amount, without waiting for a written application to the Collector, the respondents are directed to refer the matter for determination by the authority constituted under Section 51 of the Act, within a period of thirty (30) days from the date of receipt of a copy of this order, by recording the existing structures as on today and forwarding the objections of the petitioners to the said authority. On the basis of the evidence, the said authority shall determine the amount of compensation payable to the petitioners for the structures as expeditiously as possible. In view of the reference of the dispute to the competent authority, the petitioners are at liberty to agitate their rights with regard to structural compensation before the competent authority.

Both the Writ Petitions are, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 16.08.2017
Nsr

