

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.28020 OF 2017

ORDER:

Heard learned counsel for petitioner and none appeared for respondents 4 to 6 in spite of service of notice on them.

The petitioner states that she is the owner of the land of an extent of Acs.1.00 situated in Survey No.98 of Pedaravigudem Village of Kukunuru Mandal, West Godavari District. The said land was given to her as 'pasupu kunkuma' by her father, who executed Will on 06.05.1995. When the second respondent issued notification under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013, for brevity), the father of the petitioner was shown as pattadar and the name of the fourth respondent was shown as enjoyer. The fourth respondent is none other than the mother of the petitioner, whereas respondents 5 and 6 are her brothers. The petitioner submitted a representation on 14.10.2016 requesting to pay compensation to her and in spite of the same, when the third respondent was going ahead with the payment of compensation to the respondents 4 to 6, the present writ petition is filed.

The written instructions, which were issued to the learned Government Pleader by the third respondent, disclose that the award enquiry was conducted on 31.10.2016 and an award was passed on 08.03.2017. In the award enquiry, the fourth respondent attended and filed sufficient documentary evidence for total extent of Acs.2.23 guntas in R.S.No.98 of Pedaravigudem Village besides showing proof of possession and enjoyment. Hence, the award was passed in

her favour and compensation amount was paid to her bank account on 19.03.2017 itself. The writ petitioner has not filed any objection within sixty days from the date of publication of preliminary notification and she did not attend VI(B) enquiry held on 31.08.2016 at the Gram Panchayat Office of Pedaravigudem. She did not attend award enquiry held on 31.10.2016.

In view of payment of compensation to fourth respondent, no relief can be granted in the present writ petition. It is open to the petitioner to submit a representation to the District Collector to take action under Section 64 of the Act 30 of 2013.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

04.10.2017
pln

A.RAMALINGESWARA RAO, J

