

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.8960 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the Land Acquisition Proceedings issued by the 3rd Respondent in pursuant to the preliminary notification vide Ref. No.C1/341/2016, dated: -09-2016 and declaration notification vide ref. No.Cq1/341/2016, dated:09-12-2016 under section 11(1) and 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act. 2013(Act No.30 of 2013) respectively and all the consequent Award Notices R.C.No.50/2016, dated: -01-2017(25-01-2017) issued by the 4th Respondent which were served on 09-03-2017 in respect of the lands belonging to the Petitioners as illegal, arbitrary, contrary to law and vitiated by malafides, gross violation of principles of natural justice and violative of articles 14,19, 21,31-A and 300-A of the constitution of India and consequently quash the same.”

2. Heard the learned counsel for the petitioners and learned Government Pleader for Land Acquisition for the respondents.

3. According to the petitioners, they are small farmers owning lands in Thimmireddypalli Village, Chinalpudi Mandal, West Godavari District. The respondent authorities issued notification under Section 11(1) of the Act 30 of 2013 on 24.09.2016, proposing to acquire subject lands of the petitioners herein and the

petitioners herein filed their objections on 26.09.2016. A copy of the said objections is also placed on record along with the writ petition as material paper, wherein it is stated that the market value of the proposed lands would be around Rs.30 lakhs and sought for payment of the compensation. A declaration under Section 19 of the Act was also issued on 09.12.2016 and on 17.12.2016, notices were also issued proposing to conduct award enquiry on 10.01.2017.

4. Since the petitioners herein are only concerned with the quantum of compensation and the value of the proposed lands, it is open for the petitioners herein to bring to the notice of the authorities, the prevailing market value of the properties with supported documents and it is open for the respondents to consider the same and if the petitioners are not satisfied with the award to be passed, it is open for the petitioners herein to ask for reference under Section 64 of the Act.

5. With the above observation, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

15.03.2017
SS

A.V.SESHA SAI, J