

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.21077 of 2017

ORDER :

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

“...to issue a writ, order or direction more in the nature of Mandamus declaring the impugned orders in Case Nos.Pc.E6/ 3201(1,2,3,4&6)/ 2004, Pc.E6/ 3201(8to33 & 35to38)/ 2004 dated:24-05-2017 of the 2nd Respondent declaring that the Petitioners are not entitled to get ex-gratia/compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as illegal, arbitrary, violation of principles of natural justice and contrary to the relevant provisions under Act.30 of 2013. Consequently direct the Respondents to pay ex-gratia/compensation to the Petitioners before evicting the Petitioners from the Subject lands in Sy.No.335 of K.K.Gunta Village of Dagadarthi Mandal, SPSR Nellore District and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

Heard learned counsel for the petitioners and learned Government Pleaders for Revenue and Land Acquisition appearing for the respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

Perused the impugned orders of the District Collector, SPSR Nellore District, which are by referring to the earlier order of this Court dated 17.09.2016 in W.P.No.31504 of 2016 saying the respective petitioners are in long standing possession and the Authorities are initiating the land acquisition proceedings

ignoring their rights, though, they are also entitled to compensation/rehabilitation from the Act 30 of 2013. The District Collector passed individual orders by field inspection also saying, on field there are shrubs in growth and there is no cultivation or any dwelling respectively.

It is the submission of learned Government Pleader for Land Acquisition that the subject lands are the assigned lands in the name of third parties and none of the petitioners, admittedly, the assignees, much less, claiming through assignees. Needless to say, if at all there is any proposal for acquisition under the Act 30 of 2013, as per Section 3 (c) and Sections (5) and (6) r/w 31 and 15 to 18, there is a need of public hearing for social impact assessment not only of the persons, who own or entitle to element of right over the property but also of the persons affected by the acquisition to get some relief for rehabilitation or the like. Thereby, needless to observe that in any such event, they may be considered by affording an opportunity of hearing to participate in the public hearing from the provision supra.

So far as grievance of the petitioners from the impugned orders clearly speak remedy of appeal provided on the factual matrix before the Commissioner of Land Administration(A.P.) at Vijayawada, the petitioners are given liberty to file any such

appeal, if they are aggrieved, within 15 days from the date of receipt of copy of this order and it is for the Chief Commissioner of Land Administration to entertain the same without insisting for thirty days period of limitation from the date of passing of impugned orders dated 24.05.2017.

With the above directions and observations, the Writ Petition is disposed of at the stage of Admission.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Date:01-07-2017
pab

Dr. B. SIVA SANKARA RAO, J



HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21077 of 2017

DATE: 01.07.2017



pab