

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.36834 OF 2017

O R D E R :

The case of the petitioners is that the petitioners and respondents 4 to 8 have been in joint possession and enjoyment of the landed properties i.e. Ac.22.20 cents being co-parceners, situated at K.Kothagudem Village, V.R.Puram Mandal, East Godavari District, without any dispute. While so, the aforesaid joint family properties were fell in submergence of Polavaram Irrigation Project as per the 11(1) Notification under Form No.VI(A) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and resettlement Act, 2013 (*for short 'the Act'*) vide reference No.B1/359/2017, dated 29.07.2017 issued by the 2nd respondent and published in the Eenadu Telugu Daily newspaper on 02.08.2017. The grievance of the petitioners is that only the names of the respondents 4 to 8 were noted as land losers and their names were not noted in the notification. The petitioners further state that the respondents issued false and irregular preliminary notification under Section 11(1) of the Act without conducting 'Grama Sabha' as well as social impact assessment survey and also without giving opportunity to the petitioners. Thereafter, the petitioners made claim/objection dated 14.08.2017 before the 3rd respondent stating that they are

also the co-sharers of the aforesaid proposed acquired lands and also to consider their request to make fresh preliminary notification by adopting procedure contemplated under the Act. But, till today, the 3rd respondent did not make any enquiry on the petitioner's claim/objection petition and also proceeding to publish draft declaration under Section 19 of the Act. Aggrieved by the same, present writ petition is filed.

Learned Assistant Government Pleader for Land Acquisition produced written instructions wherein it is stated that petitioners filed objections on 06.10.2017 and that though award enquiry is conducted on 31.10.2017 and 01.11.2017, the petitioners neither attended nor produced any records relating to their schedule land which was published in Preliminary Notification and Draft Declaration. He also stated that as on today, no compensation is awarded.

Since it is stated that no award is passed, the 3rd respondent is directed to issue notice to the petitioners and also to other affected parties and thereafter pass award considering their objections and the documents, if any, produced by the petitioners in support of their case. If petitioners fail to respond or file necessary documents it is open for the 3rd respondent to pass award, in accordance with law, in respect of the land to an extent of Ac.0.93 cents in Survey no.15/4.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

17.11.2017
t k.

