

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.38993 OF 2017

ORDER ::

This writ petition is filed assailing the in-action on the part of respondents 2 to 4 in considering the petitioners' objections dated 09-10-2017 in publishing the names of respondents 5 to 10 as person interested in respect of the land in question and in contemplating to pay compensation and other rehabilitation and resettlement benefits to them, though they claim to be co-owners, as being illegal, arbitrary and violative of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short, "the Act") and consequently direct the respondents 2 to 4 to pay the compensation and rehabilitation and resettlement benefits for the land in question to the petitioners to the extent of their share in the land in question, as respondents 5 to 10 have no absolute right, title, interest or possession over the land in question exclusively.

2. The grievance of the petitioners is that though they made objections dated 09-10-2017 in that behalf, the official respondents without considering the same, proceeding to pass award and pay compensation to the respondents 5 to 10. Hence this writ petition.

3. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

4. The petitioners claim to be co-owners and possessors of the land in question and they dispute the exclusive ownership of respondents 5 to 10, and stating so they filed objections dated 09-10-2017 to the respondents 2 to 4. In the circumstances, the respondents 2 to 4 are directed to consider the objections dated 09-10-2017 submitted by the petitioners and after giving opportunity of personal hearing in the matter to the petitioners including respondents 5 to 10, before passing the award in respect of the land in question. If there is no consensus between the petitioners and the respondents 5 to 10, it is open for the competent authority to refer the matter under Section 64 of the Act.

5. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any pending in this case shall also stand disposed of. There shall be no order as to costs.

A. RAJASHEKER REDDY, J

Dated: 20-11-2017
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