

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.38692 OF 2017

ORDER ::

This writ petition is filed assailing the action of the official respondents in not considering the representation and legal notice dated 29-08-2017 issued by the petitioner and in contemplating to pay compensation and other rehabilitation and resettlement benefits to respondents 4 and 5, in respect of land in question, under acquisition for Polavaram Irrigation Project, 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 official respondents to consider the representation dated 29-08-2017 made by the petitioner.

2. The grievance of the petitioner is that though he is owner to the extent of half-share in the land in question, under acquisition, and made a representation dated 29-08-2017 in that behalf, to treat as person interested in the land and pay compensation to the extent of his share, the respondents without considering the same, proceeding to pass award and pay compensation to the respondents 4 and 5. Hence this writ petition.

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

4. Learned Assistant Government Pleader for Land Acquisition, on instructions submitted that the petitioner though filed representation dated 29-08-2017, he did not attend the award enquiry held on 13-11-2017. It is also stated that the petitioner has not filed any documents in proof thereof. But, the petitioner states that he is co-owner of the land in question and the 4th respondent is his brother. When once the petitioner claims to be a person interested, under the provisions of the Act, he has a statutory right to be heard.

5. In the circumstances, it is open for the petitioner to submit all the necessary documents in support of his claim to the respondents 2 and 3 and on submitting the documents in that behalf, if any, the respondents 2 and 3 are directed to consider the representation dated 29-08-2017 along with the documents to be filed, if any by the petitioner, and after giving opportunity of personal hearing in the matter to the petitioner including respondents 4 and 5, before passing the award in respect of the land in question. If there is no consensus between the petitioner and respondents 4 and 5, it is open for the competent authority to refer the matter under Section 64 of the Act.

6. 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: 21-11-2017
NRG



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