

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.38468 OF 2017

ORDER ::

This writ petition is filed assailing the in-action on the part of respondents 3 to 4 in considering the petitioners' objections submitted through legal notice dated 04-09-2017 in publishing the name of the 5th respondent as person interested in respect of the land in question and in contemplating to pay compensation and other rehabilitation and resettlement benefits to him, in respect thereof, 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 3 and 4 to pay the compensation and rehabilitation and resettlement benefits for the land in question to the petitioners.

2. The case of the petitioners is that they are owners and possessors of the land in question, but in the declaration issued Section 19 of the Act, the name of 5th respondent is noted as the person interested for the land in question, though the 5th respondent has no absolute right, title, interest or possession over the land in question exclusively.

3. The grievance of the petitioners is that though they made representation dated 04-09-2017 in that behalf, the respondents without considering the same, proceeding to

pass award and pay compensation to the 5th respondent.
Hence this writ petition.

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

5. The petitioners claim to be owners and possessors of the land in question and they dispute the ownership of the 5th respondent, and stating so they filed objections dated 04-09-2017 to the respondents 3 and 4. In the circumstances, the respondents 3 and 4 are directed to consider the objections dated 04-09-2016 submitted by the petitioners and after giving opportunity of personal hearing in the matter to the petitioners including the 5th respondent, before passing the award in respect of the land in question. If there is no consensus between the petitioners and the 5th respondent, 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: 20-11-2017
NRG

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WP No.38468 of 2017

//WEB//

Dated: 20-11-2017

NRG