

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.39956 OF 2017

ORDER ::

This writ petition is filed assailing the action of the respondents 1 to 5 in contemplating to pay compensation and other rehabilitation and resettlement benefits in favour of the 6th respondent, in respect of land of Ac.5-29 cents covered by Sy.No.65/5, 72 & 73/5 of Aravayapalli Village of Velairpadu mandal, West Godavari district, under acquisition for construction of Polavaram Irrigation Project, without considering the representation dated 16-06-2017 made by the petitioners 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 4th respondent to pay the compensation and rehabilitation and resettlement benefits for the aforesaid land to the petitioners.

2. The case of the petitioners is that they are joint owners and processors of the land in question and they are having equal right in the land along with the 6th respondent, but in the notification issued under Section 11 of the Act and the declaration issued under Section 19 of the Act, the name of 6th respondent is noted as owner, though the 6th respondent has no absolute right, title, interest or possession over the land in

question exclusively and, therefore, the 6th respondent is not exclusively entitled for the compensation rehabilitation and resettlement benefits payable for the said land.

3. The grievance of the petitioners is that though they made representation dated 16-06-2017 in that behalf, the respondents without considering the same proceeding to pass award and pay compensation to the 6th 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 joint owners and possessors of the land in question and they dispute the ownership of the 6th respondent, and stating so they made a representation dated 16-06-2017 to the 3rd respondent. But learned Assistant Government Pleader for Land Acquisition submits that the representation made by the petitioners is vague and lacks details. In the circumstances, it is open for the petitioners to make a fresh representation giving all the necessary details of their claim to the respondents 3 and 4 and on such a representation being filed by the petitioners, the 4th respondent is directed to consider the same and after giving opportunity of personal hearing in the matter to the petitioners including the 6th respondent, before passing the award in respect of the land in question. If there is no consensus between the petitioners and the 6th 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: 27-11-2017
NRG



HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



WP No.39956 of 2017

//WEB//

Dated: 27-11-2017

NRG