

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 41299 OF 2017

Dated:29.12.2017

Between:

Smt Elkapelly Kalavva W/o Narsaiah
55 years
R/o Kodumunja V/o Vemuluvada mandal
Rajanna Sircilla district

petitioner

And

The State of Telangana,
rep., by itsPrincipal Secretary,
Irrigation and CAD Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Land Acquisition for respondents 1 to 4 and Sri P.V.Narayana Rao, learned counsel for respondent No.6.

Notification under Section 4 (1) of the Land Acquisition Act, 1894 was issued on 22.1.2008. During the pendency of the land acquisition proceedings, the 1894 Act was repealed and 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' came into force with effect from 1.1.2014. Under the new Act, award was passed on 22.7.2017. At the stage of disbursement of the compensation, the present writ petition is filed by the petitioner. The petitioner claims that she is wife of 4th respondent in whose name the property stands and 4th respondent gifted the property to the petitioner by way of registered gift deed in the year 2009. 6th respondent is son of 4th respondent who disputes the gift granted in favour of the petitioner by 4th respondent. This writ petition is filed praying to determine the right of the petitioner for payment of compensation in respect of house property bearing No. 2-86/5 (New) (Old No 6-25) of Kodumunja village, Vemulawada mandal, Rajanna Sircilla district, under Section 64 of the Act. When the matter is taken up for consideration, learned Government Pleader informs the Court that matter is already referred to authority for Land Acquisition Rehabilitation and Resettlement under Section 77 of the Act, 2013. In view of the reference already made, cause in the writ petition does not survive. The writ petition is disposed of leaving it open to the parties to agitate their respective claims before the authority. No costs. Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:29.12.2017

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