

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40756 OF 2017

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the 3rd respondent in issuing Award Notice under proceedings Rc.No.7/2015, Unit-15/Rayapudi-2, dated 23.10.2017 in respect of land admeasuring 24 cents situated in Sy.No.282/C1 of Rayapudi Village, Thulluru Mandal, Guntur District as illegal and arbitrary.

It is the case of the petitioner that he is the absolute owner and possessor of the land admeasuring Acs.1.24 cents in Sy.No.282/C2, situated adjacent to the houses of Rayapudi Village, Rayapudi, Thulluru Mandal, Guntur District. That the 1st respondent, in order to built capital city gave notification under CRDA Act selecting the subject property and that the petitioner gave Ac.1.00 cents out of total extent of Ac.1.24 cents, on 18.07.2016, subject to the CRDA authorities should leave/exempt the remaining 24 cents of land so as to enable him to construct the house as the said land is beside the houses. That the application to consider the said exemption is pending before the CRDA authorities, but till date no action was taken on his representation received by the local office of the 5th respondent. That the petitioner is not aware about the

passing of road through his land and that the authorities have issued Award Notice dated 23.10.2017 fixing the date for filing objections on 25.11.2017. Aggrieved by the same, present Writ Petition is filed.

Heard learned counsel for the petitioner and Sri D.Ramesh, learned Standing Counsel for the 5th respondent.

Learned Standing Counsel for the 5th respondent submits that without challenging the notification under Section 11 (1) of the Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') and declaration under Section 19 (1) of the Act, petitioner has challenged the Award Notice issued on 23.10.2017.

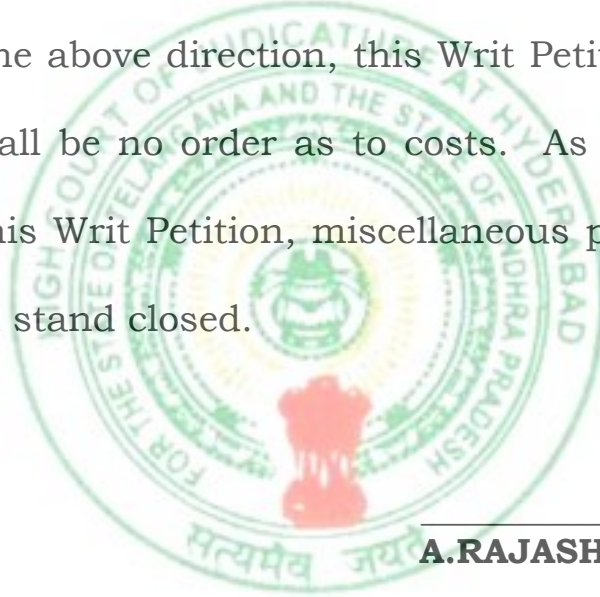
It is to be seen that the petitioner only challenges Award Notice dated 23.10.2017 and no mention is made about notification under Section 11 (1) of the Act and also declaration under Section 19(1) of the Act. The Award enquiry will only be confined to the entitlement of compensation by the petitioner and objections under Section 11 (1) of the Act cannot be raised in the Award Enquiry.

In view of the same, no grounds are made to quash the Award Notice. However, if the petitioner is having any grievance with regard to quantum of compensation, he can place sufficient material before the Land Acquisition Officer regarding entitlement of quantum of compensation and the

same will be considered by the Land Acquisition Officer. And objections under Section 11(1) of the Act cannot be considered by the Land Acquisition Officer. In this case, admittedly, that stage has already passed and the objections of the petitioner to the extent of Award of compensation can only be considered by the Land Acquisition Officer.

In view of the same, the 3rd respondent is directed to consider the objections, if any, of the petitioner while passing the Award.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this Writ Petition, miscellaneous petitions, if any, pending shall stand closed.



A.RAJASHEKER REDDY,J

04-12-2017

kvs

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Date: 04.12.2017

kvs



