

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40261 OF 2017

ORDER :

The case of the petitioner is that he purchased an extent of Ac.0-43 cents in Sy.No.1000 and another extent Ac.0-25 cents in Sy.No.1013/2 situated in Velpanur village, Velugodu mandal, Kurnool district, from its owner, the 5th respondent herein under a registered sale deed dated 06-11-2014. While matter stood thus, the 3rd respondent-RDO-cum-LAO, Kurnool district, issued preliminary 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'), seeking to acquire the lands in the vicinity, including the lands of the petitioner for KC Canal improvements. It is stated that though the petitioner is registered owner of the lands in question, notices were issued to the vendor of the petitioner *i.e.* 5th respondent who appeared and based on his consent, an award was also passed. It is stated that the 3rd respondent without proper verification of revenue records wherein the name of the petitioner is stated to be mutated as owner of the lands, passed the award in respect of the lands in question, in the name of the 5th respondent. The petitioner on coming to know of the same, issued legal notice to the 3rd respondent to pass award in his name and pay compensation to

him, but not to the 5th respondent. As no action was taken, the petitioner made an application before the Mandal Legal Services Committee, Atmakur, to rectify the anomaly. It is stated that the Mandal Legal Services Committee issued notices to the respondents, pursuant thereto, the 3rd respondent filed a report dated 15-06-2017 affirming the fact that the petitioner purchased the lands from the 5th respondent, but as per the entries in the revenue records, mutation in Adangal and 1B Register the name of the petitioner could not be recorded, notices could not be issued to the petitioner. It is also stated that the 5th respondent filed a representation before the Mandal Legal Services Committee stating that he sold the lands to the petitioner; and by mistake his name was entered in the award and requested the Committee to pay compensation in respect of the lands to the petitioner, by deleting his name from the award. However, the Mandal Legal Services Committee, declined to pass any executable decree on the ground that the petitioner ought to have taken objection before passing the award and advised the petitioner to appropriate legal remedies. Hence, this writ petition.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition. Though notice served, none appears for the 5th respondent.

3. Admittedly, even according to the 3rd respondent, as also the 5th respondent, the petitioner is the owner of the lands in question. Under Section 33 (1) of the Act, the Collector may at anytime, but not later than 6 months from the date of the award or where he has been required under the provisions of the Act to make a reference to the authority under Section 64, before making of such reference, by order, correct any clerical or arithmetical mistakes in either of the awards of errors arising therein, either on his own motion or on the application of the person interested or local authority. It is to be seen that in this case, nobody is objecting to the claim of the petitioner that he is not the owner of the lands in question and not entitled to receive the compensation. The person (5th respondent) whose name is recorded in the records himself has stated that he has no objection for deleting his name and for payment of compensation to the petitioner. Even otherwise, the petitioner got issued a legal notice dated 11-03-2016 within six months from the date of the award and in the light of the objection made by the petitioner, as required under Section 33 (1) of the Act, the respondents 2 and 3 ought to have corrected the name of the 5th respondent with that of the petitioner since there is no dispute.

4. In the circumstances, the respondents 2 and 3 are directed to consider the objection of the petitioner raised by way of issuing legal notice dated 11-03-2016 and take action thereon modifying

the award to the extent of replacing the name of the vendor (5th respondent) of the petitioner with the name of the petitioner and pay compensation to him in respect of the lands in question. The writ petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

A.RAJASHEKER REDDY, J

Dated: 19-12-2017
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