

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 44236 OF 2017

ORDER:

This writ petition is filed seeking to declare the action of respondent Nos. 1 to 3 in contemplating to pay the compensation amount to respondent No.4 in respect of land in Survey No.380/A, situated at Manthoor Village, Raipole Mandal, Siddipet Mandal, as illegal and arbitrary.

The petitioner states that respondent No.4 herein is her brother. She filed O.S.No.19 of 2017 in the Court of Senior Civil Judge, Siddipet, for partition of the suit schedule property and the same is pending. While so, the Government proposed to acquire part of the land admeasuring Ac.1.18 guntas situated in Survey No.380/1 belonging to the father of the petitioner. In this connection, the petitioner filed a representation before the respondent authorities requesting them not to disburse the compensation amount to respondent No.4, who is also entitled for share in the suit schedule property, and bringing to their notice about the pendency of the said suit.

Learned counsel for the petitioner submits that under Section 21 read with Sections 75 and 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), if there is a dispute in relation to the apportionment, the compensation shall not be disbursed and the same is required to

be deposited in the civil Court. The said provision is akin to Section 30 of the Land Acquisition Act, 1894.

Learned Government Pleader for Revenue (Telangana), on the basis of instructions, submits that as on date, no disbursement has been made and a notice was issued to the petitioner to appear on 30.12.2017 at 3.00 p.m. to determine the rights of the parties, and that the objections of the petitioner would be considered in accordance with law.

Having considered the respective submissions, the writ petition is disposed of at the stage of admission with a direction to respondent No.3 to consider the objections of the petitioner in terms of Sections 75 and 76 of the Act and pass appropriate orders after giving fair opportunity to the petitioner as well as respondent No.4.

Consequently, the miscellaneous petitions, if any shall stand closed. No costs.

CHALLA KODANDA RAM, J

Dt:26.12.2017

Note: Issue cc in two days.
kdl