

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 466 of 2018

ORDER :

This Writ Petition is filed seeking a *mandamus* to declare the action of Respondents 2 and 3, Special Collector and Special Deputy Collector, Land Acquisition, Polavaram Irrigation Project, Rajamahendravaram in not considering the representation dated 10.11.2017 with respect to the land in an extent of Ac.4.90 cents in R.S.No. 92/2B situated at P. Narayanapuram Village, Jeelugumilli Mandal, West Godavari District and thereby making attempts to pay the compensation to Respondents 4 and 5 at Sl.No. 31 of the preliminary notification dated 27.09.2007, as illegal and arbitrary.

The case of the petitioner is that he is the absolute owner of the above-said land, which is part of the land proposed to be acquired under Chintalapudi Lift Irrigation Scheme to construct Jalleru Reservoir. It is his further case that pursuant to the notification dated 27.09.2017, calling for objections under Section 15 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short, 'the Act'), he submitted a representation on 10.11.2017 to the 3rd respondent, particularly raising an objection that his name has not been shown in the land acquisition proceedings with respect to the subject land and instead, the names of one S. Sri Vanapalli Sri Ganesh, Vanapalli Seshagiri Rao, Nallapu Ramana, Muvva Veerasena, Jayavarapu Nagayya, Jayavarapu Ramayya, Jayavarapu Chandrayya, Seemakurthi Ganga Raju were shown. But, so far, the said representation was not considered is the main grievance of the petitioner in this Writ Petition.

Heard learned counsel for the petitioner as well as learned Government Pleader for Land Acquisition (Andhra Pradesh).

From the material placed on record, it is to be seen that in the notification issued in Form VI-A, objections were called for by the Land Acquisition Officer, under Section 15 of the Act. Section 15 of the Act, so far as it is relevant, reads as under:

“15. Hearing of objections:-- (1) Any person interested in any land which has been notified under sub-section (1) of section 11, as being required or likely to be required for a public purpose, may within sixty days from the date of the publication of the preliminary notification, object to –

- (a) the area and suitability of land proposed to be acquired;
- (b) justification offered for public purpose;
- (c) the findings of the Social Impact Assessment report.

A perusal of the above-said provision makes it clear that, at the stage of considering the objections, only three aspects, specified therein, are required to be considered by the Land Acquisition Officer. Objection as to non-mentioning of the names of the claimant is not provided in the above provision of law. As a matter of fact, enquiry under Section 15 of the 2013 Act is akin to the one under Section 5-A of the Land Acquisition Act, 1894. The rights of an individual to receive compensation are required to be determined, when the Award inquiry is made under Section 23 of the Act. Prior thereto, yet another inquiry is required to be made under Section 21 of the Act calling for objections from the persons interested with respect to the claim of the compensation. It is, at that stage, the claim of the petitioner as to his right over the land in issue is required to be considered. However, the petitioner, non-conversant with the procedure under the Act, apprehends that his claim will not be considered.

Hence, the Land Acquisition Officer may keep in mind the objections raised by the petitioner already and also the objections that may be raised after issuance of notice under Section 21 of the Act and take necessary steps to protect his interests, if he otherwise has claim over the land.

Subject to the above, the Writ Petition is closed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

18th January 2018

ksld

