

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 925 of 2018

ORDER :

This Writ Petition is filed seeking a *mandamus* to declare the action of Respondents 3 and 4, Revenue Divisional Officer, Chittoor and Tahsildar, Kuppam Mandal in disbursing the compensation to the 5th respondent in respect of the land in an extent of Ac.0.73 cents in Survey No. 19-1A, situated at 151 Devanapalli Revenue Village, Kuppam Mandal, Chittoor District as illegal and arbitrary.

The case of the petitioner is that he is the absolute owner of the above-said land. It is his further case that the 2nd respondent has issued the notification, dated 03.12.2017 under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short, 'the Act'), wherein, in respect of the above-said land, the 5th respondent's name was shown. Questioning the same, the petitioner got issued a legal notice to the 2nd respondent and also the Divisional Engineer, Roads & Buildings, TB Road, Kuppam on 06.09.2017 and 01.01.2018, but however, the respondents have been attempting to pay compensation to the 5th respondent, who had obtained pattadar pass book and title deed by playing fraud. It is further submitted that the petitioner had also filed O.S.No. 110 of 2017 on the file of the Junior Civil Judge, Kuppam for declaration of title and adverse possession and for recovery of possession, wherein he obtained the order of *status quo* also.

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

submit, across the Bar, that today, this Court, while dealing with Writ Petition No. 466 of 2018, has made the order, as under:

“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.”

In view of the same, the Land Acquisition Officer, in the instant case, may also keep in mind the objections, if any raised by the petitioner and the objections that may be raised, pursuant to the notice under Section 21 of the Act, and take necessary steps to

protect his interests, if he otherwise has a right over the subject 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

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