

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1001 OF 2018

ORDER:

Challenging the inaction of the respondents in issuing Award of land acquisition compensation in favour of the petitioners in respect of their lands, the present Writ Petition is filed.

The brief facts, as narrated in the Writ affidavit, are that the petitioners have joint family property i.e., an extent of Ac.3-50 cents in Sy.No.62/4, Ac.1-18 cents in Sy.No.62/3, Ac.7-20 cents in Sy.No.95/1, AC.1-25 cents in Sy.No.59/2 and AC.1-33 cents in Sy.No.18 (in total Ac. 14-26 cents) situated in Koderu village, Kunavaram Mandal, East Godavari District, and that they have been in possession and enjoyment of the same without any interruption. While so, the 3rd respondent issued Preliminary Notification, dt.08.07.2016, under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short “the Act”) and published the same in Eenadu Telugu Newspaper on 10.07.2016, and as their lands fell in submergence of Polavaram Irrigation Project, their names along with their father’s name were published in the publication. Their father died on 13.09.2011 leaving behind him the above said property to an extent of Ac.14-26 cents being successors, the petitioners have inherited the said property. DD Notification was also issued and no objections were received by the 4th respondent. Thereafter, the 4th respondent had conducted Award enquiry on 20.04.2017 at Regulapadu village and confirmed that they are the only beneficiaries of the above said land.

While the things stood thus, without producing any document, respondents 5 and 6 got issued a false and untenable

legal notice, dated 02.06.2017, through their advocate to respondents 3 and 4, claiming that they have part of interest in the above said properties. But the said notice is barred by time, as, under Section 15 of the Act, objections, if any, have to make within 60 days from the date of preliminary notification, dated 10.07.2016, which was not availed by respondents 5 and 6. Though the 4th respondent instructed the 5th and 6th respondents to produce any document to establish their claim, but they failed to produce even a scrap of paper. Further, though the 4th respondent came to know that respondents 5 and 6 have no valid and substantial case against them, he did not issue the award of compensation to the petitioners. Hence, the Writ Petition.

Heard the learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition (A.P.) placed on record the written instructions submitted by the 4th respondent, which reads as under –

“As per Rule 15 (1) of the Land Acquisition R&R, 2013, Notice in Form VIB was issued to all the persons interested and served informing to file objection / interest if any with regard to the lands notified in the Preliminary notification within 60 days from the date of notification and such objections received if any would be enquired on 08.09.2016 of Koderu Village of Kunavaram Mandal. No objection received on 08.09.2016 and Draft Declaration published in Ref.B1/163/2016, dated 20.03.2017 is as follows:

Ref.No.	Name of the Daily newspaper	A.P. Gazette Extraordinary Issue	Locality publication
Ref.B1/163/2016 Dated 20.03.2017	Saakshi 22.03.2017, Prajashakthi 22.03.2017	A.P. Gazette Extra Ordinary issue No.PIP/209/2017 dated 20.03.2017	30.03.2017

After publication of Draft Declaration on 20.03.2017, award enquiry conducted on 20.04.2017 at Gram Panchayat Office, Regulapadu, Petitioner, Sri Savalam Bazaru attended

award enquiry and submitting Settlement Patta in favour of his father Savalam Yerrayya and Savalam Bazaru S/o Yerrayya and not produced any Pattadar Pass book and Title deed or any relevant documents. So his claim not enquired fully and pending for sufficient title in favour of him. No award passed to the village of Koderu Village. At the time of passing of award his claim will be enquired after submitting clear title to his claim.”

In the light of the stand taken by the 4th respondent-Special Deputy Collector (LA) that the claim of the petitioners will be enquired while passing the Award, the Writ Petition is disposed of with a direction to the respondent authorities to adhere to the submissions made before this Court. No costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date:31.01.2018

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