

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1394 of 2018

ORDER :

This Writ Petition is filed to initiate proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, pursuant to the order dated 18.07.2017 in Rev.W.P.M.P. No. 29230 of 2017 in Writ Petition No. 12075 of 2011.

The petitioner filed Writ Petition No. 12075 of 2011 seeking compensation in respect of the land to an extent of Ac.0.50 cents in Survey No. 179/1 and 3 situated at Anantapuramu Municipal Corporation and the said Writ Petition was disposed of on 21.09.2015 holding that without payment of compensation, the land could not be acquired. It was therefore, directed that the respondents should pay the compensation or in the alternative, allot the land. Thereafter, the petitioner filed the Review W.P.M.P. in the said Writ Petition, wherein, this Court *vide* order impugned in this Writ Petition, observed as under:

“ Since the government has sanctioned amount to pay the compensation to the land owners *vide* G.O.Rt.No. 312, dated 21.04.2017, the respondents are directed not to divert the amount which was sanctioned for payment of compensation in respect of the subject land in Writ Petition No. 12075 of 2011 *vide* G.O.Rt. No. 312, dated 21.04.2017, for any other purposes.”

The petitioner is under the impression that the amount deposited by the respondent Municipal Corporation is exclusively meant to meet the contingency that may arise pursuant to the orders in Writ Petition No. 12570 of 2011.

In the light of the above, learned counsel for the petitioner contends that the amount deposited by the 3rd respondent shall

not be disbursed to any other claimants whose land is also similarly-acquired.

On the other hand, learned Standing Counsel for the 3rd respondent as well as learned Government Pleader for Revenue (Andhra Pradesh) appearing for the 2nd respondent would submit that initially, the amount has been deposited by the Municipal Corporation to meet the expenditure in relation to the acquisition proceedings, and wherever there is a possibility of settlement, on negotiations, the same would be paid and that it cannot be construed that the amount deposited for the purpose of paying compensation to the petitioner alone.

Inasmuch as there is a dispute in relation to the petitioner's claim, there is no other option except to initiate land acquisition proceedings. Since the 3rd has already deposited the initial amount, the 2nd respondent Revenue Divisional Officer shall initiate proceedings under the 2013 Act, as the land has already been taken possession of by the respondents in 1985 itself and that there cannot be any delay in payment of compensation.

In those circumstances, the Writ Petition is allowed with a direction to the 2nd respondent to initiate appropriate proceedings under the provisions of the 2013 Act within two weeks from the date of receipt of a copy of this order. No costs.

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

CHALLA KODANDA RAM, J

19th January 2018

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