

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25756 OF 2017

ORDER:

Heard Sri G.Rama Gopal, learned counsel for the petitioner, and the learned Government Pleader for Land Acquisition (A.P.) appearing for the respondents.

2. The grievance of the petitioner in the present writ petition precisely is the alleged inaction on the part of the respondents in referring the subject matter of the Acquisition Award No.10/2015, dated 25.04.2015, to the competent authority/referral Court under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) for the purpose of determination of enhanced compensation payable to the petitioner.

3. According to the petitioner, he owned an extent of nearly 822 sq.yards out of which an extent of 2406 sq.feet of land situated in Sy.Nos.81/5C, 81/GF, 81/12E, 81/13A and 168/1 of Kondayyapalem, Kakinada was acquired for the purpose of construction of railway fly over. It is further submitted that the award was passed in respect of the said property on 25.04.2015 and the petitioner received the amount under protest and requested the Land Acquisition Officer – respondent No.3 herein to refer the case under Section 64 of Act 30 of 2013 for determination of just and proper compensation *vide* representation, dated 21.07.2015. It is further submitted that thereafter, on 15.10.2016, petitioner herein got issued a legal notice for redressal of his

grievance. According to the petitioner, no action has been taken so far in the direction of redressing his grievance by the respondents.

4. According to Section 64 of Act 30 of 2013, any person aggrieved by the quantum of compensation awarded by the land acquisition authorities is entitled to make an application for determination of the just and proper compensation by way of a reference. The said application, according to the said section, needs to be made if the person making the application was present or represented before the Collector at the time of passing the award, within six weeks from the date of the Collector's award; in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of Collector's award, whichever period shall first expire. Proviso to Sub-section (2) of Section 64 enables the Collector to entertain an application after the expiry of the above said period within a further period of one year, if he is satisfied that there was sufficient cause for not filing the application within the period specified in the first proviso. In the instant case, according to the petitioner, application for reference was made on 21.07.2015 and a legal notice was caused on 15.10.2016 and the said application is pending consideration before the authorities.

5. Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court deems it appropriate to dispose of the writ petition directing the respondents to verify the application, dated 21.07.2015, said to have been filed by the petitioner herein under Section 64 of Act 30 of 2013 and to take appropriate action within a period of two (2) months from the date

of receipt of a copy of this order. It is also open for the petitioner herein to file an application under proviso to Sub-section (2) of Section 64 of Act 30 of 2013, if the same is required, within a period of two (2) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

JUSTICE A.V.SESHA SAI

Date : 05.01.2018
AMD



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