

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26068 OF 2017

ORDER:

Heard Sri Siva, 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 is with regard to the quantum of compensation fixed by the land acquisition authorities under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013). It is also stated that earlier, prior to issuance of a legal notice on 21.03.2017, petitioner herein submitted a representation on 10.02.2017 to the District Collector, West Godavari District for redressal of his grievance.

3. When the matter is taken up, a preliminary objection as to the maintainability of the writ petition is taken by the learned Government Pleader stating that the petitioner herein has an effective alternative remedy of reference to the authority under Section 64 of Act 30 of 2013 and having filed an application under the said provision of law before the District Collector on 21.03.2017, it is not open for the petitioner herein to approach this Court by way of the present writ petition under Article 226 of the Constitution of India.

4. Section 64 of Act 30 of 2013 reads as under:-

“64. Reference to Authority:-

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made —

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) 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 the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

5. In view of the availability of the above alternative remedy of appeal to the petitioner herein and since the petitioner herein has already filed an application/legal notice on 21.03.2017 under the

said provision of law, this Court deems it appropriate to dispose of the writ petition with a direction to respondent No.2 – the District Collector & Land Acquisition Officer, West Godavari District to take appropriate action on the application/legal notice, dated 21.03.2017, under Section 64 of Act 30 of 2013 within a period of two (2) months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

Date : 04.01.2018
AMD

JUSTICE A.V.SESHA SAI



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Date: 04.01.2018

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