

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 4756, 4772 & 4797 OF 2018

COMMON ORDER:

The case of the petitioners is that they are the absolute owner and possessor of their respective land in an extent of Ac.5.25 guntas in Survey No. 290, Acs.3.07 guntas in Survey No. 276 and Ac.3.06 guntas in Survey No. 276 and Acs.5.25 guntas in Survey No. 290 situated at Pothireddypalli Village, Thimmajipet Mandal, Nagarkurnool District, having purchased the same from their respective predecessors, through registered sale deeds. The petitioners further assert that their names have been mutated in the revenue records and that they have also been issued pattadar passbooks.

While things stood thus, the above-said lands were acquired under 'Palamuru - Ranga Reddy Lift Irrigation Scheme' as the entire villagers have expressed willingness to surrender their lands, without initiating land acquisition proceedings, in terms of the package announced by the Government of Telangana *vide* G.O.Ms.No. 123 Revenue (JA & LA) Department, dated 30.07.2015, but however, the petitioner in Writ Petition Nos. 4756 and 4797 of 2018 came to know that the 5th respondent therein, claiming himself to be the protected tenant, is trying to knock away the compensation, depriving them of their just claim. Noticing that the 5th respondent has no manner of right, the petitioners in Writ Petitions No. 4756 and 4797 of 2018 and seeking payment of compensation, the petitioner in Writ Petition No. 4772 of 2018 submitted their representation / objections to the 2nd respondent District Collector (Land Acquisition) and also got issued a notice to

the District Collector, the Revenue Divisional Officer, Nagarkurnool Division and the Tahsildar, Thimmajipet Mandal and other revenue officials setting out their right to receive the compensation. In spite of the same, the petitioners apprehend that their claim would be ignored. In those circumstances, all the three Writ Petitions have been filed to declare the action of Respondents 2 to 4 in withholding the payment of compensation in respect of their lands, as illegal and arbitrary.

Heard learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition (Telangana) has placed on record the written instructions received from the Revenue Divisional Officer, Nagarkurnool in Writ Petition No. 4756 of 2018, wherein it has been stated that the claim for compensation has been received from the legal heirs of the protected tenant and that the Tahsildar, Thimmajipet Mandal reported that the legal heirs of protected tenant are in continuous possession of the subject land. It is further stated that due to pendency of O.S. No. 71 of 2017 filed by Smt. K. Sujathamma and other pattadars of same survey number, the payment of compensation has been withheld.

The facts are not in dispute. From a perusal of the pleadings, it is discernible that there are claims and counter-claims to receive compensation in respect of the subject lands. In normal circumstances, when a consent award is made, the issues relating to quantum of compensation and other ancillary benefits to be given to the land holders are addressed. G.O.Ms. No. 123, dated 30.07.2015, under which guidelines were issued for procuring lands and the structures standing thereon from the willing land

owners for public purpose, is silent as to the method and manner in which the rival claims have to be dealt with. Even if the compensation is paid, in terms of G.O.Ms. No. 123, wherever there is a dispute with respect to the right to claim compensation, the same has to be dealt with in accordance with law. Since the land has already been acquired for the purpose of constructing a project, as regards the disputes with respect to apportionment of compensation, the Land Acquisition Officer is bound to deal with such claims while making an Award in terms of Section 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013. In the event such disputes cannot be resolved, at the stage of making the Award, the parties are required to be relegated to resolve the same before the competent authority, who shall adjudicate such claims. The procedure therefor is mandated in terms of Section 64 of the Act.

In those circumstances, the Land Acquisition Officer shall make an Award, after issuance of notice to the petitioners as well as the rival claimants, if any and take appropriate steps in terms of Sections 21 and 64 of the 2013 Act and other relevant provisions, as are applicable. Till completion of such exercise, no amount towards compensation shall be disbursed to either of the parties.

Subject to the above, the Writ Petition is disposed of. No costs.

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

CHALLA KODANDA RAM, J

22nd February 2018

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