

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6544 of 2018

ORDER:

The averments mentioned in the writ affidavit, in brief, are that lands to an extent of Ac.0.14 guntas, Ac.0.12 guntas, Ac.1.02 guntas, Ac.0.12 guntas, Ac.1.12 guntas, Ac.0.07 guntas, Ac.0.09 guntas, Ac.0.24 guntas, Ac.0.11 guntas, Ac.0.03 guntas, Ac.0.12 guntas, Ac.0.10 guntas, Ac.0.12 guntas, Ac.0.28 guntas and Ac.0.27 guntas, in Survey Nos.117/6E, 117/7E, 118/A, 118/Vu, 246/EE/AA, 253/EE/AA, 252/EE/AA, 192/1, 191/1, 189/1/A, 187/E, 190/1, 193/1, 194/1 and 245/A, respectively, and a house bearing Door No.1-100 in an extent of 600 Sq.yards, situated at Singaram Village, Kondapak Mandal, Medak District, are all ancestral properties and petitioner, who is one of the sons of respondent No.3, along with respondents 3 to 6, is entitled to a share of 1/4th in the above properties. As respondents 3 to 6 have refused partition, the petitioner filed O.S.No.203 of 2016 in the Court of Principal Junior Civil Judge, Siddipet, for partition of the schedule properties. The said suit is pending. While the things stood thus, the schedule properties were sought to be acquired for construction of Komuravelly Mallanna Sagar Dam, invoking the land acquisition proceedings. Having come to know that

respondents 3 to 6 decided to knock away the entire compensation amount in respect of the schedule properties, the petitioner approached the Land Acquisition Officer on 24.01.2018 and filed a representation with a request to not to pay the compensation in favour of respondents 3 to 6. He also brought to the notice of the Land Acquisition Officer that O.S.No.203 of 2016 is pending before the learned Principal Senior Civil Judge, Siddipet. His grievance is that the second respondent – Revenue Divisional Officer/Land Acquisition Officer, Komuravelly Mallanna Sagar Dam, Siddipet District, is bent upon to pay compensation amount in favour of respondents 3 to 6, though the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, mandates that when a petition is filed, the competent authority is required to deal with the same and if there are rival claims, the competent authority is duty bound to refer such claims before adjudication and passing of Award. Hence, he filed the present Writ Petition.

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition appearing for respondents 1 and 2.

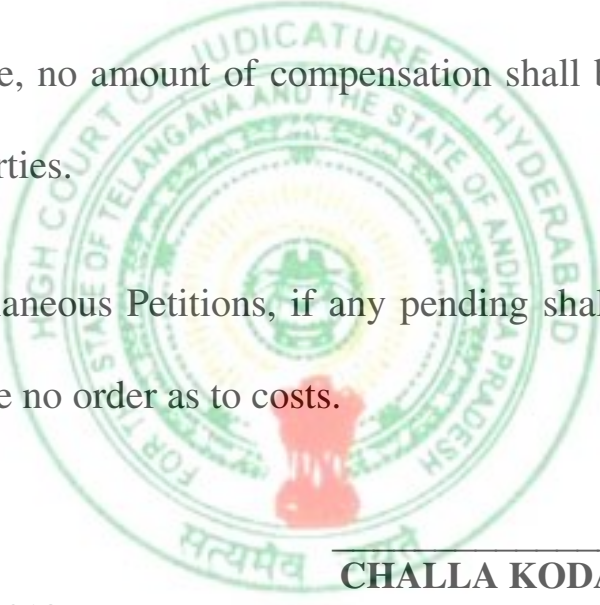
Having considered the above, it is to be noted that in terms of Sections 21 to 23 of the aforesaid Act, the Land Acquisition Officer is duty bound to consider and decide the rival claims, by issuing notices to the interested persons.

In those circumstances, the Writ Petition is disposed of with the direction to the second respondent that before passing the Award, he shall take into consideration the objections raised by the petitioner and deal with the same in accordance with law. Till such time, no amount of compensation shall be disbursed to any of the parties.

Miscellaneous Petitions, if any pending shall stand closed. There shall be no order as to costs.

1st MARCH, 2018.

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CHALLA KODANDA RAM, J