

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6866 of 2018

ORDER :

This Writ Petition has been filed seeking to declare the action of the respondents in trying to pass Award in favour of Respondents 6 to 8 in spite of pendency of suits and statutory appeals before the competent fora in connection with the lands of the petitioner in Survey Nos. 182 and 183 of Upperu Village, Kukunoor Mandal, West Godavari, admeasuring an extent of Acs.4.38 cents, which was sought to be acquired for Polavaram Project and thereby proposing to pay compensation to Respondents 6 to 8 as illegal.

The petitioner claims ownership of the subject land by way of inheritance. It is his case that the said lands fall under agency area and hence, the same are hit by the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act. However, the unofficial respondents, using their might, got their names mutated in the revenue records in respect of the said land.

While the things stood thus, it is the case of the petitioner that the preliminary notification was issued which did not contain either his or his father / fore-father's name in 'owner and possessor' column. Though he submitted objections thereto on 04.08.2016, it seems, the same were not considered by the respondent authorities and that they have been proceeding to pass an Award under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 in favour of the unofficial respondents. In those circumstances, the petitioner is stated to have approached this Court by filing Writ Petition No. 45923 of 2016, wherein, *vide* order dated 15.09.2017,

it has been directed to raise respective claims before the Land Acquisition Officer, justifying their entitlement for receipt of the compensation amount. Pursuant to the said order, the petitioner made a representation / objections before the Land Acquisition Officer requesting to stop payment of compensation to the unofficial respondents. The petitioner also filed an Appeal before the Agent to the Government – cum- District Collector to declare him as owner of the subject land and an Appeal before the Revenue Divisional Officer, Kukunoor to cancel the pattadar passbooks and title deeds issued in favour of the unofficial respondents and both the said appeals are stated to be pending.

Learned Government Pleader for Land Acquisition (Andhra Pradesh) has placed on record the written instructions received from the Land Acquisition Officer –cum- Sub-Collector, Kukunoor, the last but one paragraph of which reads as under:

“ In this connection, it is submitted that the Hon’ble High Court of A.P., in its orders dated 15.09.2017, issued in W.P. No. 45923 of 2016 directed the LAO to pass appropriate orders after enquiring both the parties. After obtaining the genuineness of the E.Cs. filed by both the parties from the Sub-Registrar, Burgampahad the 3rd respondent LAO will decide the eligibility of the petitioner and pass appropriate orders. Till the enquiry is completed and a reasoned order is passed the compensation amount due on Acs.4.38 covered by R.S.No. 182 and 183 of Upperu Village of Kukunoor Mandal will not be ordered for payment either to the petitioner or to the unofficial respondents 6 to 8.”

In the light of the above written instructions, both the learned counsel for the petitioner as well as unofficial respondents pray this Court that a direction may be issued to the Land Acquisition Officer to complete the enquiry as expeditiously as possible and pass orders in accordance with law.

In view of the request made by both the learned counsel and also in view of the written instructions submitted by the learned

Government Pleader to the effect that till the enquiry is completed and a reasoned order is passed, the compensation amount would not be disbursed either to the petitioner or to the unofficial respondents, the Writ Petition is disposed of with a direction to the Land Acquisition Officer to enquire into the rival claims of the parties and pass orders in accordance with the provisions of the 2013 Act. In the event, the Land Acquisition Officer comes to the conclusion that it is not possible for him to decide the rival claims, necessary steps shall be taken in terms of Section 64 by referring the matter to the competent authority. No costs.

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

09th March 2018

ksld

CHALLA KODANDA RAM, J

