

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16629 OF 2017

O R D E R:

Petitioner asserts that in spite of the objections raised by her for payment of compensation to respondent No.6 herein with respect to the land acquired, respondent No.3-Sub-Collector and Land Acquisition Officer, Kukkunuru Village and Mandal, West Godavari District, without considering the same, passed an Award in favour of respondent No.6. Hence, she filed the present writ petition seeking a mandamus by way of issuing a direction to respondent No.3 to refer the dispute to the authority concerned under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 (for short 'the Act'), by depositing the compensation amount with the competent authority under Section 77 of the Act.

Respondent No.3 filed a counter-affidavit stating that in the process of award enquiry, the petitioner had failed to substantiate her right to receive the compensation and therefore, her claim was rejected and accordingly, Award has been passed basing on the material available on record. Inasmuch as the petitioner failed to satisfy the answering respondent, there is no requirement to deposit the compensation amount with the competent authority in terms of Section 77 of the Act. He further stated that since the

petitioner has no right to receive the compensation, reference under Section 64 of the Act was not made for determination.

Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondent Nos.3 and 4. In spite of service of notice, there is no representation on behalf of respondent No.6.

The specific stand of respondent No.3 in the counter-affidavit is that the petitioner had failed to substantiate her right to receive the compensation for the land acquired and thereby, he passed the Award rejecting her claim. In the event the petitioner is aggrieved by the Award, she is entitled to invoke Section 64 of the Act and file an application to the Collector for referring the dispute to the competent authority notified under Section 51 of the Act for determination. In normal circumstances, the reference has to be made within 30 days from the date of receipt of the application. In the present case, though the petitioner had filed her objections with respect to the compensation to be paid to respondent No.6, she appeared to have not made an application to the Collector to refer her case to the competent authority for determination. However, the fact remains that the petitioner had filed her objections, which in turn were considered by respondent No.3 in the Award, as stated by him in the counter-affidavit. It is to be noted that the petitioner got issued a legal notice on

30.03.2017 to respondent No.3 mentioning therein with regard to referring the dispute to the competent authority under Section 64 of the Act.

In the facts and circumstances of the case, the writ petition is disposed of directing respondent No.3 to forward the objections raised by the petitioner by treating the same as an application under Section 64 of the Act to the competent authority, within a period of four weeks from the date of receipt of a copy of this order, and on receipt of the same, the competent authority shall determine the dispute after affording an opportunity of hearing to both the parties, in accordance with law.

Consequently, miscellaneous applications, if any shall stand disposed of. No costs.

CHALLA KODANDA RAM, J

Dt:17.04.2018
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