

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.40298 OF 2016

ORDER:

Heard Mr.A.Jagan, learned counsel for the petitioners, Mr.Y.Rama Rao, learned counsel for the respondents 5 to 9 and the Assistant Government Pleader for Land Acquisition.

2. The petitioners pray for the following relief:

“to issue writ of mandamus or any appropriate writ order or orders by declaring the action of the 3rd respondent in disbursing the compensation of the land in Sy.No.271/3, to an extent of Ac.0.30 gts and 272/3, to an extent of Ac.0.27 gts situated at Arshanapalli Shivar, Nallaballi Mandal of Warangal District in pursuance to the award passed in Progs. No.A/1151/22013, dated 16.11.2016 as illegal, arbitrary, contrary to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Rules, 2014 as well as fundamental rights guaranteed under the Constitution of India and consequently direct the 3rd respondent not to disburse the compensation amount for the above said land.’

3. On 21-11-2016, this Court while ordering notice before admission, granted the following interim relief:

“Respondents 2 and 3 are directed not to disburse the compensation for acquiring land in an extent of Ac.0.30 gts in Survey No.271/3 and in an extent of Ac.0.27 gts in Survey No.273/3 situated at Arshanapalli Shivar, Nallaballi Mandal of Warangal District, both to petitioners as well as respondents 5 to 9 for a period of twelve (12) weeks from today.

The Assistant Government Pleader representing the 3rd respondent is directed to communicate the order forthwith to respondent No.3.”

4. The 5th respondent filed WVMP No.268 of 2017 to vacate the interim order granted by this Court on 21.11.2016.

5. The learned Assistant Government Pleader for Land Acquisition by referring to instructions received from Revenue Divisional Officer, Narsampet, Warangal Division, states that the award was passed as there is title dispute

between the petitioners on one hand and the 5th respondent on another hand. The dispute was referred to Principal Senior Civil Judge, Warangal, vide office letter No.A/463/2017, dated 26.08.2017. It is further stated that the compensation determined and payable for the land acquired is deposited in the joint account of EE (R & B), NH Division, Warangal and CALA/RDO Narsampet account bearing No.039511100003226.

6. Learned counsel appearing for the petitioners and the 5th respondent submit that since the authority has taken a decision, and not decided the title dispute between the rival claimants, the parties will have to work out their remedies before the competent Court. The letter, dated 26.08.2017, was returned by the learned Principal Senior Civil Judge, Warangal. The both counsel request the Court to issue appropriate direction to the respondents 2 and 3 for resubmission of the letter for reference to the competent Court.

7. Learned Assistant Government Pleader for Land Acquisition submits that the respondents 2 and 3 do not have objection to re-submit the letter along with copy of the award.

8. Therefore, the Writ Petition is disposed of by this order. The petitioners/respondents are given liberty to represent to respondents 2 and 3 by enclosing a copy of this order for doing needful in the award passed for acquiring the land, which was referred to Principal Senior Civil Judge, Warangal, vide letter No.A/463/2017, dated 26.08.2017, within four (4) weeks from today. The 2nd respondent or 3rd respondent as the case may be, is directed to re-submit the letter, dated 26.08.2017, to the Court of competent

jurisdiction within four (4) weeks thereafter and also take steps for depositing the amount to the credit of L.A.O.P. The parties are given liberty to file their pleadings before the Court and seek declaration of their rights. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

S.V.BHATT, J

DATED: 11-04-2018.

Hsd

