

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.4248 of 2007

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon’ble Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent in refusing to refer the claims of the petitioners in Common Award No. 4/93, dt. 28-6-1993 (file No.B2/12/88) to the Civil Court U/Sec. 18 of Land Acquisition Act as illegal, void and abinitio and may further direct the respondent to refer the same to the civil court and to pass such other order/s as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *A.Ravinder*, learned counsel appearing for the petitioners; and of the learned Government Pleader for Land Acquisition, appearing for the respondent. I have perused the material record.

3. Learned counsel for the petitioners submits that the petitioners submitted requests/applications, dated 04.07.1995, to the Land Acquisition Officer, Special Deputy Collector, L.A.Unit, Singareni Collieries Company Limited, Godavarikhani, requesting to make reference to the civil Court under Section 18 of the Land Acquisition Act, 1894 (for short, ‘the Act’), and that for non-consideration of the said requests/applications, the present writ petition is filed. He would further submit that on the requests/applications of the petitioners, the respondent Officer ought to have passed some order either way. Since no action as is

required is taken by the said officer in obedience to law, the present writ petition is filed.'

4. Learned Government Pleader, on written instructions, dated 30.08.2018, a copy of which, along with annexures, is placed on record submitted that the Special Deputy Collector, L.A.Unit, Singareni Collieries Company Limited, Godavarikhani, had already rejected the requests/applications of the petitioners, by orders in Memo no.B1/1124/93, dated 25.05.1999, and that a copy of the said Memo is also placed on record along with the copies of documents annexed to the written instructions placed on record. He would further submit that the requests for reference under Section 18 of the Act are not made within the time allowed under law and, therefore, the claim petitioners' requests for reference under Section 18 of the Act are rejected by the said Memo. He would also submit that the petitioners are made aware of the said rejection and that the requests for reference were not made within the statutory time, either after the award was passed and communicated or after the notices under Section 12(2) of the Act were issued and served and that therefore, the petitioners are not entitled to the relief claimed in this writ petition.

5. However, learned counsel for the petitioners having submitted that the rejection memo was brought to his notice only on the previous date of adjournment requested to reserve liberty to the petitioners to challenge the rejection memo by filing a fresh writ petition, if the petitioners so desire.

6. Recording the submissions and without going into the merits of the matter, the Writ Petition is disposed of as infructuous in

view of the Memo, dated 25.05.1999, whereby the requests/applications for a reference under Section 18 of the Act of the petitioners were rejected, however, reserving liberty to the petitioners to challenge the said rejection memo, if they are so advised and if they so desire.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 25th September, 2018

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