

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No.712 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 7839 of 2018 dated 22.3.2018. The appellant herein filed the said Writ Petition seeking a mandamus to declare the action of the Sub-collector, Land Acquisition, in not recognizing the appellant-writ petitioner's lands of an extent of Acs. 1.31 guntas in Survey No. 54/A of Kivvaka Revenue Village, Kukunoor Mandal, West Godavari District as arbitrary, illegal and in violation of Articles 19, 21 and 300-A of the constitution of India.

In the order under appeal, the learned Single Judge noted the submissions urged on behalf of the appellant-writ petitioner that the respondents had passed the award dated 25.2.2017 in respect of the lands standing in the name of his deceased father; and the total extent held by the family of the appellant-writ petitioner is Acs.1.31 guntas, and not Acs.0.04 guntas. The learned Single Judge noted the submission, urged on behalf of the Government, that any dispute with regards the extent of property shown in the award would enable the person aggrieved to approach the competent authority under the provisions of Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as "the Act"). After extracting Section 64, the learned Single Judge observed that, even an objection as to the measurement of the property, would enable an aggrieved person to make an application under Section 64 of the Act; as the appellant-writ

petitioner had an alternate remedy, they could make an application before the authority within thirty days from the date of receipt of a copy of the order; and, if any such application was made, the same should be considered and appropriate action should be taken.

Sri N. Nagaraju, learned counsel for the appellant-writ petitioner, would draw our attention to the award passed in Form No. IX wherein an extent of Acs.1.04 guntas of dry land in Survey No.54 was also shown as among the lands for which the award was passed. However, the name of the person interested in the land was left blank therein. The appellant-writ petitioner's grievance is that they are the owners of the land as is evident from the pattadar passbook, a copy of which was filed along with the Writ Petition; therefore, the respondents ought to have paid compensation to them; and the learned Single Judge was in error in holding that there was a dispute regarding the measurement of the land, when in fact the appellant-writ petitioner's claim was for payment of compensation to them for acquisition of their lands in Survey No. 54.

Section 64(1) of the Act enables any person interested, who has not accepted the award, to make a written application to the Collector, requesting that the matter be referred for determination of the authority whether his objection be it to the measurement of the land, the amount of compensation, the person to whom it is payable etc. Among the reasons referred to in Section 64(1), for seeking a reference, is regarding the person to whom the compensation is payable in terms of the award. The appellant-writ petitioner's claim that the awarded amount, for acquisition of the lands in Sy. No.54, is payable to them can also be agitated before the authority to whom a reference is to be made under Section 64(1) of the Act. As the appellant-writ petitioner has an

effective alternative remedy under Section 64 of the Act, we see no reason to interfere with the order under appeal.

Sri N. Nagaraju, learned counsel for the appellant-writ petitioner, would submit that, since the time granted by the learned Single Judge has already expired, this Court may consider extending the time by a further period of thirty days. In the light of the request made by the learned counsel for the appellant, we consider it appropriate to extend the time, granted by the learned Single Judge, by a further period of thirty days from today.

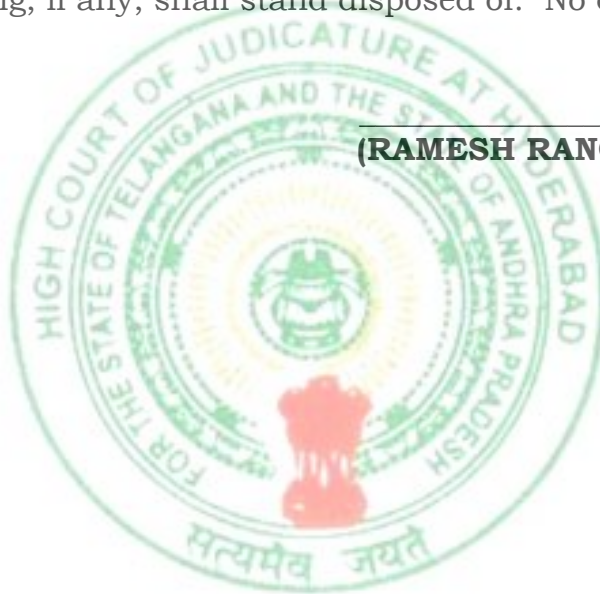
The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand disposed of. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

4th June, 2018

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Date: 4.6.2018

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