

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.37352 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition for the respondents 1 to 3 and Sri P.Venkateshwar Rao, learned counsel for the fourth respondent. Despite service of notice none appears for the fifth respondent.

2. This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ order or direction more particularly one in the nature of Writ of mandamus declaring the action of the respondents 1 to 3 in seeking to acquire agricultural lands belonging to me and respondents No 4 & 5 situated in Mannevaripally Village Achampet Mandal Mhaboobnagar District without any notice to me or the 5th respondent without furnishing the documents relating to the acquisition and without affording a personal hearing in the award proceedings pursuant to the Form No SA Procgs No D1/505/2012 Dt:15-05-2012 and D1/506/412 dt: Nil -05-2013 under section 6 of the Land Acquisition Act 1894 in spite of Representations dated 10-11-2015 and 13-11-2015 the further action of the respondents No 1 to 3 in seeking to pay compensation to the 4th respondent and his associates as arbitrary illegal unjust contrary to the provisions of the Land Acquisition Act 1894 as well as the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 violative of the principles of natural Justice and the fundamental rights and constitutional rights guaranteed under the Constitution of India and issue a consequential direction to the respondents No 1 to 3 furnish us al the documents relating to the acquisition of the aforesaid lands provide personal hearing and in the meantime not to disburse the compensation amount relating to the afore said land to any one.”

3. The respondent authorities initiated proceedings under the provisions of the Land Acquisition Act and issued Section 6 declaration in the month of May, 2013. On the ground that the respondent authorities are attempting to pay the compensation to the fourth respondent and his associates alone, the present writ petition came to be filed.

4. During the course of arguments, it is submitted by the learned Standing Counsel for the fourth respondent, on instructions, that the subject property belonged to their father and the petitioner and the respondents 4 and 5 are entitled for the compensation. If that being so, there cannot be

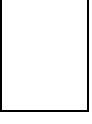
any basis for the petitioner herein to contend that the respondent authorities are attempting to pay the amount exclusively in favour of the fourth respondent.

5. For the aforesaid reasons, the writ petition is disposed of, directing the official respondents herein to finalise the award proceedings and pass the award, strictly in accordance with law, after hearing all the stake holders, as expeditiously as possible. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

Date:19.04.2018
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A.V.SESHA SAI, J





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Dated:19.04.2018

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