

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.4358 of 2017

ORDER:

Heard N.Ramu holding for Mr.K.Sarath for petitioner, the learned Assistant Government Pleader for Land Acquisition and Ms.Vasavi holding for Mr.K.Jyothi Prasad for 4th respondent.

The petitioner and the 4th respondent are independently asserting for payment of compensation for acquiring the land in Sy.Nos.28 Khalsa, 158 and 196 of Thondipaka Village, Kukunuru Mandal, West Godavari District.

The petitioner apprehending passing award and disbursing compensation to 4th respondent filed the instant writ petition.

On 08.02.2017 in W.P.M.P.No.5240 of 2017, this Court passed the following interim order :-

“The learned Government Pleader for Land Acquisition takes notice for respondents 1 to 3. Notice to the 4th respondent. The learned counsel for the petitioner is also permitted to take out notice on the 4th respondent by RPAD and file proof of service into Court.

There shall be a direction to the official respondents not to pay the compensation amount either in favour of the petitioner or in favour of the 4th respondent, in respect of lands situated in Survey Numbers 28 Khalsa, 158 and 196 admeasuring Ac.0.29 gts, Ac.1.04 gts, Ac.0.38 gts respectively situated in Thondipaka Village of Kukunuru Mandal of West Godavari District under Final Notification issued vide Rc.No.E-271433/ 2016 R&R dt.4-10-2016 and Rc.No.E-131451/ 2016 R&R

dt.4-10-2016, pending further orders. Other proceedings may go on.

The 4th respondent filed petition to vacate the interim order granted on 08.02.2017.

The Assistant Government Pleader referring to instructions dated 15.03.2018 submits that the Land Acquisition Officer passed Award No.25/2016-17, dated 08.03.2017, for the subject property as well, but having regard to the nature of dispute between petitioner and the 4th respondent, the Land Acquisition Officer proposed to refer the issue of entitlement or apportionment of compensation to competent authority. According to him, the dispute between the petitioner and 4th respondent is to be decided by the competent authority constituted under the Act 30 of 2013.

The apprehension of the petitioner is substantially taken note of and required steps are taken by the Land Acquisition Officer.

The writ petition is disposed of by leaving it open to respondents 2 and 3 to communicate both to petitioner and 4th respondent award and also the decision taken to refer the dispute to competent authority by registered post with acknowledgment due, within four weeks from the date of receipt of a copy of this order. The petitioner and the 4th respondent are

given liberty to plead and prove their case before the competent authority. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 19.03.2018
Prv



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19-03-2018

Prv