

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20217 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of respondent No.1 in not considering the representation of the petitioner, dated 05.02.2007, for release of her share of compensation on par with respondents Nos.2 to 7, as illegal, arbitrary and contrary to the provisions of the Land Acquisition Act and consequently direct respondent No.1 to disburse her share of compensation.

Heard Sri Chetluru Sreenivas, learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

It has been contended by the petitioner that respondents Nos.2 to 6 are her brothers and respondent No.7 is her sister-in-law, that her family got ancestral property to an extent of Ac.20.00 guntas in Sy.No.792 of Gadwal village, and the said land was acquired by respondent No.1 by invoking the provisions of the Land Acquisition Act, and an award was passed on 17.04.2002. The 1st respondent has already disbursed part of compensation amount to respondents Nos.2 to 7 without giving any amount towards share of the petitioner. The petitioner issued a legal notice to respondents Nos.2 to 7 asking her share in the compensation amount, but they have not given any share to the petitioner. The petitioner having come to know that the remaining balance of compensation amount is proposed to be disbursed by respondent No.1, she made a representation to respondent No.1 on 05.02.2007 stating that she is also entitled for the compensation amount along with respondents

Nos.2 to 7 being one of the sharers and requested to disburse her share. But the 1st respondent has not taken any action on her representation. Hence the present writ petition.

This court, while admitting the writ petition, vide orders dated 24.09.2007, directed the 1st respondent not to disburse the compensation amount to the extent not disbursed so far. By virtue of the said interim direction, respondent No.1 had not disbursed the compensation amount to respondents 2 to 7.

The learned Government Pleader for Land Acquisition has submitted that in view of Section 30 of the Land Acquisition Act, the case of the petitioner can be referred to a competent civil court.

Having considering the rival submissions of both the parties, this court is of the view that the case of the petitioner has to be referred to a competent civil court by respondent No.1 under Section 30 of the Land Acquisition Act.

Therefore, the writ petition is disposed of, directing respondent No.1 to refer the case of the petitioner for claim of compensation under Section 30 of the Land Acquisition Act to a competent civil court, within a period of 8 (eight) weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 19.04.2018
Dsr