

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

W.P.No.2701 of 2017

ORDER:

Heard Sri D.Kodanda Rami Reddy, learned counsel for the petitioners, learned Government Pleader for Irrigation and Command Area Development (A.P.) appearing for respondent NO.1 and the learned Government Pleader for Land Acquisition (A.P.) appearing for respondent Nos.2 and 3.

2. The grievance of the petitioners in the present writ petition is the action on the part of the respondents in paying only exgratia for the lands and trees belonging to the petitioners and acquired by the respondents herein, but not in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

3. It is submitted by the learned counsel for the petitioners that the issue in the present writ petition is squarely covered by a Larger Bench decision of this Court in *LAND ACQUISITION OFFICER – CUM-REVENUE DIVISIONAL OFFICER AND OTHERS ETC., v. MEKALA PANDU AND OTHERS*¹, as confirmed by the Hon'ble'ble Apex Court in Civil Appeal Nos.7904-7912 of 2012, dated 04.08.2014, and the order of this Court in *K.BHASKAR AND OTHERS v. GOVERNMENT OF ANDHRA PRADESH AND OTHERS*².

4. On the other hand, it is submitted by the learned Government Pleaders that the petitioners herein have been paid the compensation in accordance with law and in terms of G.O.Ms.No.1307, dated 23.12.1993.

¹ AIR 2004 AP 250

² 2015 (5) ALD 96

5. In fact, in the above referred judgments, this Court turned down the similar contention raised on behalf of the State Government and directed payment of compensation in terms of the Land Acquisition Act, 1894 and Act 30 of 2013.

6. Following the above said judgments and for the reasons recorded therein, this Writ Petition is allowed, directing the respondents herein to initiate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pay compensation to the petitioners. This exercise including payment shall be completed within six (6) months from the date of receipt of a copy of this order. However, it is made clear that the amount, if any, paid to the petitioners herein shall be given credit to. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions pending, 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

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



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Dated 19.04.2018

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