

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.9478 OF 2017

ORDER:

Heard Mr.E.Srinivasa Reddy for petitioner, the learned Government Pleader for Land Acquisition (TS) and Mr.K.Srinivasa for respondent No.6.

The petitioner prays for the following relief:

“...Writ of Mandamus declaring the action of the 3rd respondent in not referring the matter to civil court under Section 64 & 76 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 in spite of the petitioner objection petition dated 09 02 2017 and notice dtd. 18 2 2017 in connection with the petitioner lands situated in Sy No 451/16 to an extent of Ac 6 06 gts. situated at Tekulacheruvu Village of Burgampahad Mandal Bhadradi Kothagudem District Khammam District without showing the petitioner name in the Land Acquisition Notification and trying to pay the compensation amounts in favour of the 6th respondent in respect of the land in question is illegal and void and opposed to Articles 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondents 1 to 5 to refer the matter to the civil court by depositing the entire compensation amount in respect of the land in question...”

This Court on 22.03.2017 granted the following interim direction:

“There shall be direction to the official respondents herein not to disburse the compensation amount either to the petitioner or to the unofficial respondent in respect of the land in Sy.No.451/16 to an extent of Ac.6.06 gts situated at Tekulacheruvu Village of Burgampahad

Mandal, Bhadradi Kothagudem District. The other proceedings may go on.”

The 6th respondent filed petition to vacate the interim order.

As already noted, the petitioner complains against the inaction of 3rd respondent in referring the dispute between the petitioner and respondent No.6 to civil Court under Act 30 of 2013. The petitioner claims to have filed objection/petition dated 09.02.2017 and 18.02.2017 in connection with the acquisition of land in an extent of Ac.6-06 gts.in Survey No.451/16 at Tekulacheruvu Village of Burgampahad Mandal Bhadradi Kothagudem District. The 3rd respondent is seized of the representation and the 3rd respondent is yet to take a decision on the rival claims or whether the issue is required to be referred to civil Court for decision under Sections 64 & 76 of Act 30 of 2013. Therefore, once the issue is still pending before the 3rd respondent, this Court ought not to examine the merits. This Court is of the view that the ends of justice are met, if the petitioner as well as respondent No.6 are permitted to raise their claims before respondent authorities on the entitlement to receive compensation for the acquisition of Survey No. 451/16.

Accordingly, the petitioner as well as respondent No.6 are permitted to raise claims/objections before 3rd respondent and the 3rd respondent considers and disposes of the claims/objections in accordance with law expeditiously.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT, J

Date:19.03.2018
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