

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15819 of 2017

ORDER:

In this Writ Petition, petitioners are seeking a Mandamus by way of issuing directions to the fourth respondent – Land Acquisition Officer & Sub-Collector, Vikarabad, to pass Award with respect to their buildings/open plots acquired for road widening purpose.

Learned Government Pleader for Land Acquisition, on instructions, submits that though the proceedings were initiated under the Land Acquisition Act, 1894, an Award has been passed under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act 30 of 2013'), on 24.05.2017, and that two bills with token Nos.1791 and 1792, dated 03.02.2018, were submitted to the Pay and Accounts Officer, Vikarabad District, for payment of compensation to the affected persons.

Learned counsel for the petitioners submits that it may take nearly four months time for the payments to be made to the petitioners.

It is to be noted that Section 38 of the Act 30 of 2013 mandates that the Collector shall take possession of the land after ensuring that entire amount of the compensation is paid to the

affected persons within a period of three months from the date of the award, except in the cases where the urgency clause is invoked. It is to be noted that responsibility to ensure payment of compensation to the affected persons has been fixed on the Collector, as defined under Section 3(g) of the Act 30 of 2013.

In the case on hand, the undisputed facts are that the land of the petitioners came to be acquired pursuant to the notification issued under Section 4(1) of the Land Acquisition Act, 1894, on 13.11.2007 and the Award was passed under the provisions of the Act 30 of 2013, on 24.05.2017. In view of the same, the petitioners are entitled to be paid compensation at least immediately after passing such award.

In those circumstances, the Writ Petition is disposed of with the direction to the respondents to pay compensation to the petitioners, who have not been paid so far, at the earliest, at any rate, not later than eight weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any pending shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

23rd APRIL, 2018.

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