

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28104 of 2018

O R D E R:

This Writ Petition has been filed by the petitioner challenging the Endorsement dt.14.06.2018 of the 3rd respondent and seeking a direction to the 3rd respondent to refer the matter to the Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act').

2. The land of the petitioner was notified under the Act on 26.05.2016 by the respondents. Subsequently, an award was passed being Award Rc.No.A1/321/2010 dt.14.10.2018.

3. Petitioner contends that the copy of the Award was not furnished to the petitioner, that he had submitted application on 14.12.2016 to the 3rd respondent to refer the matter under Section 64 of the Act to the Land Acquisition, Rehabilitation and Resettlement Authority constituted under Section 51 of the Act, since he was not satisfied with the compensation awarded. This was followed up by a reminder to the 3rd respondent on 11.09.2017, but no reference was made to the said authority, and instead an Endorsement dt.14.06.2018 was given to the petitioner stating that there is no Arbitration Officer for Land Acquisition and his request to refer the matter to the Arbitration Officer is rejected.

4. Counsel for petitioner contends that reference to the Arbitration Officer in his representations was a typographical error and it should be construed as a request of the petitioner seeking reference under Section 64 of the Act and therefore, the impugned endorsement is to be set aside.

5. Counter affidavit is filed by the 3rd respondent stating that the Award copy was issued to the petitioner under proper acknowledgment. But there is no evidence of supply of the copy of the Award to the petitioner on the date when the Award was pronounced or subsequent thereto.

6. An application under Right to Information Act, 2005 was given by the petitioner on 11.07.2016 and a copy of the Award was supplied to the petitioner on 21.11.2016.

7. Though a stand was taken by the respondents in the counter affidavit that the petitioner's request dt.14.12.2016 to make reference under Section 64 of the Act is beyond six weeks from the date of Award, this contention cannot be countenanced, for the reason that the said period is to be counted from the date of communication of the copy of the Award. When the Award itself was supplied to the petitioner on 21.11.2016, his application made on 14.12.2016 for reference under Section 64 of the Act, cannot be said to be beyond time.

8. I also agree with the contention of the petitioner that the mention of the 'Arbitration Authority' in the request is a typographical error and it ought to be construed as a requested to refer the matter under Section 64 of the Act to the Authority constituted under Section 51 of the Act.

9. Accordingly, the Writ Petition is allowed; the impugned Endorsement dt.14.06.2018 is set aside; and the 3rd respondent is directed to refer the matter under Section 64 of the Act to the Land Acquisition, Rehabilitation and Resettlement Authority constituted under Section 51 of the Act, forthwith. No order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.



M.S.RAMACHANDRA RAO, J

18th September, 2018.
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