

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.31921 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“...to issue order direction more particularly one in the nature of writ of MANDAMUS declare the action of the respondents in not considering the application filed by the petitioners on 23.08.2018 to refer the matter to the competent authority u/s 64 & 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 2013 and consequentially direct the Respondents No.2 & 3 to refer the case of the petitioner u/s 64 of the Land Acquisition Act 30 of 2013 for determination of the person whom it is payable compensation to the land covered in RS No.100/1 an extent of Ac.8.45 Cts situated at Rowthugudem Village, Jeelugumilli Mandal, West Godavari District and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri P.R.K. Amarendra Kumar, learned counsel appearing for the petitioners, and of the learned Government Pleader for Land Acquisition. I have perused the material record.

3. The only grievance of the petitioners appears to be in regard to the inaction on the part of the 3rd respondent in considering their representation for referring the matter to competent authority under Sections 64 and 77 of the Right to Fair Compensation and Transparency in Land Acquisition,

Rahabilitation and Re-Settlement Act, 2013 (for short, 'Act 30 of 2013') for determination of persons who are entitled to receive the compensation in respect of the subject acquired land.

4. However, during the course of hearing, learned Government Pleader, having produced a copy of the proceeding, dated 04.09.2018, of the R & R Officer & Project Director, ITDA, K.R. Puram, West Godavari, in Reference No.SA/108/R&R/016, submitted that the representation, dated 23.08.2018, of the petitioners was not considered as the petitioners did not produce any documentary evidence and as it deserved no consideration.

5. In that view of the matter, learned counsel for the petitioners submits that the writ petition may be disposed of reserving liberty to the petitioners to submit an application to appropriate authority under Section 64 of Act 30 of 2013 and make a request to the said authority to direct the competent officer to make a reference to it within a period of 30 days as envisaged under the said Section of the said Act.

6. Having regard to the submissions, the Writ Petition is disposed of reserving liberty to the petitioners, as sought for, to invoke the provision of Section 64 of Act 30 of 2013.

There shall be no order as to costs.

As a sequel, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

M.SEETHARAMA MURTI, J

06.09.2018

Note: Issue CC by 10.09.2018

(B/o)

v v