

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No 21490 of 2017

ORDER:

The core controversy involved in this Writ Petition is regarding non-consideration of the objections raised by the petitioner, before the Sub-Collector-cum-Land Acquisition Officer-respondent No.3, with respect to the claim for compensation. It is the specific case of petitioner that he is entitled to receive compensation either in exclusion or along with the respondents 4 to 7 for the land admeasuring Ac.8.08 guntas and further extent of Ac.4.19 guntas respectively covered by Survey Nos.84 and 91 situated in Upperu Revenue Village of Kukunoor Mandal, West Godavari District, which was acquired by the State for public purpose. It is also asserted that he had, in fact, filed the objections through registered post with acknowledgment due on 29.12.2016. In spite of the same, his objections are not considered.

2. On 07.07.2017, when the matter is taken up for admission, it was adjourned to 10.07.2017. When it is taken up today for hearing, the learned Government Pleader for Land Acquisition (A.P.) placed on record the written instructions, dated 01.07.2017, received from respondent No.3-Land Acquisition Officer. In the written instructions, it is stated that after due issuance of notices to the respective

parties, an award enquiry was conducted and an award came to be passed on 06.03.2017 bearing No.17/ 2016-17. The petitioner neither filed objections with respect to the notification issued nor appeared within 60 days period and he also failed to attend the award enquiry held in Upperu Gram Panchayat during the month of December, 2016, pursuant to the publication of notification in daily newspapers, Gazette and in the locality in the manner prescribed. Considering the material available on record, an award came to be passed holding that respondent No.4 was awarded an extent of Ac.2.00 in Survey No.84, respondent No.5 was awarded Ac.2.35 guntas in R.S.No.84 and respondent No.6 was awarded Ac.2.00 in Survey No.84 as they have produced sufficient documentary evidence viz., Pass book, 1-B and Pahani copies. So far as the land to an extent of Ac.4.09 guntas in Survey No.91 of Upperu Village is concerned, no award was passed on account of pendency of W.P.No.45960 of 2016.

3. Heard the learned counsel for petitioner, learned Government Pleader for Irrigation & CAD (A.P.), appearing for the respondents 1 & 2, and the learned Government Pleader for Land Acquisition (A.P.) for respondent No.3.

4. In the present case, in as much as, even by the date of filing of the writ petition, an award came to be passed on

06.03.2017 and in the absence of the award copy having been placed on record and considering the remedy available to the petitioner in terms of Section 64 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, this Writ Petition is disposed of, giving liberty to the petitioner to approach the competent authority for making his claim with respect to the compensation amount by challenging the award. As and when such dispute is raised, the same shall be disposed of in accordance with law after considering the respective parties' submissions. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

30.04.2018
MVA

CHALLA KODANDA RAM, J

