

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.32040 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking a Writ of Mandamus declaring the action of the respondents 3 & 4 in not responding to the petitioner's notice received by them, on 19.07.2017 & 20.07.2017, relating to the compensation amount payable with regard to an extent of Ac.1.04 cents in R.S.No.464/3A/2 of Kukunuru Village & Mandal, West Godavari District, as illegal and arbitrary. A consequential direction to the respondents 2 to 4 not to disburse the compensation amount with regard to the said extent of land to 5th respondent or any third parties is also sought.

I have heard the submissions of the learned counsel for the petitioner, of the learned Government Pleader for Land Acquisition appearing for the respondents 2 to 4; and, of the learned counsel appearing for the 5th respondent. I have perused the material record.

At the hearing, it is stated that Award has not yet been passed in respect of the subject property and that matters of similar nature involving similar issues are being disposed of by this Court without going into the merits of the rival claims of the private parties and by directing the authority concerned to consider the claims of the parties and take appropriate action in accordance with law and communicate the Award, if no Award is passed so far, so as to enable the parties aggrieved of the Award to avail remedies, which the law permits. A copy of the order, dated 06.04.2017, in WP.No1178 of 2017 is placed on record.

Learned Government Pleader placed on record a copy of G.O.Ms.No.91 Revenue (Land Acquisition) Department, dated 03.03.2017, *inter alia*, stating that the Presiding Officers for Land Acquisition Rehabilitation and Resettlement Authorities for different regions are appointed and that the said authority of Vijayawada Region

is the concerned authority for deciding the present issue as the land is acquired under Rehabilitation and Resettlement package.

Having regard to the facts & submissions and the terms of the afore-said G.O, the Writ Petition is disposed of directing the Presiding Officer of Land Acquisition Rehabilitation and Resettlement Authority for Vijayawada Region to settle the rival claims of the petitioner and the 5th respondent and pass appropriate orders on the parties approaching the said Authority pursuant to this order, however, after giving an opportunity for filing written pleading and adducing evidence. It is made clear that the said Authority shall complete the exercise in this regard within eight weeks from the date of either of the private parties to this writ petition approaching the said authority and communicate the decision taken thereon, as per procedure, to the parties within a week thereafter. Till such exercise is completed, the respondents 1 to 4 are directed not to disburse the compensation amount to either of the parties or any third party. It is made clear that the party aggrieved of any such order that may be passed by the said Authority shall have the liberty to pursue the remedies, which the law permits. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

04.07.2018

Note: Registry is directed to forward a copy of this order to the Presiding Officer of Land Acquisition Rehabilitation and Resettlement Authority, Vijayawada Region.

[B/o]
Vjl