

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43279 OF 2018

Date:29.11.2018

Between:

Arasavilli Tavitinaidu, S/o. late Surayya,
Aged 33 years, Occ: Washerman,
R/o. Labham Village and Post, Burji
Mandalam, Srikakulam District and others .. Petitioners

And

The Land Acquisition Officer-cum-
Special Deputy Collector, Vamsadhara
Project, Stage-II, Collectorate Office,
Srikakulam District and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.43279 OF 2018****ORDER:**

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition appearing for respondents 1 to 4.

2. According to petitioners, land to an extent of Ac.0.49 cents in Survey No.166/1b of Labham Village of Burji Mandal, Srikakulam District, was gifted to them for digging tank for the purpose of washing clothes and to eke out their livelihood. The very same extent of land was acquired by the Government for the purpose of excavation of High Level Canal and a preliminary notification was issued in February, 2016. Petitioners claim that they are entitled to compensation and not paying compensation to them is illegal.

3. According to learned Government Pleader for Land Acquisition, award was passed on 19.07.2018. Learned Government Pleader submits that the names of unofficial respondents are reflected in the revenue records and accordingly notices were issued to them and their names are reflected in awards passed and at no point, petitioners appeared before the Land Acquisition Officer raising their objections and for the first time after passing of the awards, they started claiming compensation.

4. Having regard to the same, not reflecting the petitioners' names in the award and reflecting the names of the persons whose names are shown in the revenue records cannot be faulted.

If petitioners claim that they are the persons interested and compensation should be paid to them, they have to avail the remedy provided under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act'). Without availing the said remedy, the petitioners directly invoked the jurisdiction of this Court. Hence, the Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioners to avail the remedy under Section 64 of the Act on the issue of apportionment of compensation or payment of compensation to them instead of the persons whose names are reflected in the awards. This order does not come in the way of the rights of the unofficial respondents. Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 29.11.2018

Note:- Issue C.C. in one week.

(B/o)
KH

P. NAVEEN RAO, J