

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.43111 of 2017

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Revenue for respondent nos.1, 2 and 5, the learned Government Pleader for Land Acquisition for respondent nos.3 and 4, and Sri P.N.Sunil Kumar Reddy, counsel for respondent nos.6 to 10.

2. The subject land, which is located in Bukkapuram Village, Yellanur Mandal, Tadipatri Division, Anantapur District, was acquired pursuant to a notification issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (**for short, 'the Act'**), issued on 18.09.2015, for the purpose of formation of Bukkapuramu Reservoir.

3. An award in Ref.No.C/497/2015, dt.06.11.2017, has been passed by 4th respondent in respect of the subject land. The 4th respondent noted that there is a dispute between petitioner and respondent nos.6 to 10, and therefore, noted that title to the land requires confirmation.

4. The counsel for petitioner contended that it is the duty of 4th respondent to make a reference under Section 76 for apportionment of compensation to the authority constituted under Section 51 of the Act since there is a dispute as to apportionment of compensation. It is also contended that the amount determined as compensation under the

award is required to be deposited in an interest bearing Fixed Deposit by the 4th respondent, but he has not chosen to do so thereby depriving the successful party in the event of a reference, of the interest for the period between the date of passing of the award and the date of determination of the reference.

5. The counter-affidavit filed by the 4th respondent is silent on the aspect of making a reference as well as deposit of money in interest bearing Fixed Deposit, and it is merely stated in para No.4 that title to the subject land requires to be confirmed, and so no attempt was made to pay compensation either to petitioner or to respondents.

6. To say the least, it is clear that the 4th respondent has abdicated his responsibility under the Act in not making reference under Section 76 to the authority constituted under Section 51 of the Act, and also in not depositing the money determined as payable for the land acquired in an interest bearing Fixed Deposit in a nationalized bank or before the said authority under Section 77 of the Act.

7. Though the counsel for respondent nos.6 to 10 sought to contend that petitioner is not entitled to the compensation determined for the subject land under the Award, I am not inclined to go into the said issue since the appropriate authority to deal with the said issue is the authority constituted under Section 51 who has to determine under Section 76 the entitlement of petitioner and respondent nos.6 to 10 to the compensation.

8. Accordingly, the Writ Petition is allowed, and the 4th respondent is directed to make a reference under Section 76 to the authority constituted under Section 51 of the Act and to make arrangements for deposit of the compensation determined under the Award before the said authority under Section 77 in interest bearing Fixed Deposit in a Nationalized Bank.

9. The 1st respondent is directed to take note of the deliberate inaction of 4th respondent in regard to the above matters and initiate disciplinary action against him for his failure to discharge his obligation under the Act to make reference under Section 76 of the Act of the dispute as to apportionment to the authority constituted under Section 51 of the Act, and also of his failure to make deposit of the compensation determined in the award for the subject land before the authority constituted under Section 51 and under Section 76 of the Act.

10. Accordingly, the Writ Petition is allowed as above. No order as to costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 03.07.2018

Ndr/*