

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.43100 OF 2017**

**O R D E R :**

The case of the petitioner is that he is the owner and possessor of land in Survey No.35/2A2, 35/2C2 and 35/1B2 admeasuring 0.41 cents, 0.32 cents and 0.47 cents respectively, situated at Tamarada Village, Kirlampudi Mandal, East Godavari District and he has planted teak wood, Red sandal, Tamarind, Mango and other trees about two decades ago and has been taking care of them by putting huge investments and physical efforts to gain in the long term. While so the 2<sup>nd</sup> respondent issued notification under Section 11(1) of the Land Acquisition Act for acquisition of petitioner's lands admeasuring an extent of 0.17 cents in Sy.No.35/2A2 out of total extent of 0.41 cents; 0.16 cents in Survey No.35/2C2 out of total extent of 0.32 cents and 0.08 cents in Sy.No.35/1B2 out of total extent of 0.47 cents. The grievance of the petitioner is that in the notification under Section 11(1) of the Act, the count of Red Sandal wood trees is reflected as 131 as against the actual count of 180 trees standing in the subject land of the petitioner and that in the notice issued under Section 15(2) of the Act, the count of Red Sandal trees is reflected as 82 only. Though, the petitioner submitted objections to the 3<sup>rd</sup> respondent regarding the actual number of red sandal wood trees standing in the land acquired by the respondents, without considering the same

the respondents passed award with the count of the number of trees notified by the respondent No.3 in the notice under Section 15 of the Act. The respondent also paid an amount of Rs.14,99,000/- only, to the petitioner without considering the objections of the petitioner. It is also stated that the petitioner has already made representation on 02.11.2017 under Right to Information Act seeking information about a detailed report regarding payment of compensation. But, till date there is no response from the respondent. Though the petitioner submitted objections to the 3<sup>rd</sup> respondent without considering the same or referring the objections to the authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act, the 3<sup>rd</sup> respondent straight away passed award. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Land Acquisition submits that as per Section 64 of the Act, petitioner can make representation if petitioner is aggrieved by the quantum of compensation before the Collector for referring the matter to the competent authority. If he fails to refer the same, petitioner can file application directly before the authority constituted under Section 51 of the Act.

In view of the above facts and circumstances it is open for the petitioner to make application under Section 64 of the Act before the authority constituted under Section 51 of the Act. On such application, the authority constituted under Section 51 of the Act is directed to consider the same and dispose of the same, in accordance with law, as expeditiously as possible. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

03.01.2018  
tk

**A.RAJASHEKER REDDY, J**

