

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 44825 of 2017

AND

WRIT PETITIONS No. 6665 & 6699 of 2018

COMMON ORDER :

Since parties to all these Writ Petitions are inter-connected and the dispute is with respect to their right to receive the compensation, with the consent of the learned counsel appearing for the parties, they are taken up for disposal at the admission stage.

The main prayer, essentially, in all these Writ Petitions is to direct the respondent authorities to consider the objections dated 15.11.2017 raised by the petitioners in Writ Petition Nos. 6665 and 6699 of 2018 and the objections dated 08.11.2017 of the petitioner in Writ Petition No. 44825 of 2017 with respect to their respective extents of land situated at Taduvai Village, Jangareddygudem Mandal, West Godavari District.

W.P.No. 44825 of 2017

Petitioner submits that he is the owner and possessor of the agricultural land in an extent of Acs.7.11 cents in R.S. No. 5 of Taduvai Village, Jangareddygudem Mandal, West Godavari District. In July 2017, the 2nd respondent Land Acquisition Officer issued the notification dated 29.07.2017, under Section 11(1) of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (for short, 'the Act'), notifying Acs.45.58 cents of land for the purpose of providing land to the affected families of Polavaram Project. As per the notification, in Column No.9, against the extent of Acs.13.45 cents in Survey No. 5/2, the name of Sri Mandava Venkataratnam (4th

respondent), who possesses only Acs.6.34 cents, was shown as the owner. Coming to know the said fact, the petitioner submitted his objections on 08.11.2017 to the 3rd respondent Project Officer, but due to the influence of the 4th respondent, the said objections were not considered till now and the respondent authorities are prepared for passing the Award for the entire extent covered by R.S. No. 5/2 in favour of the 4th respondent.

W.P.No. 6665 of 2018

The case of the petitioner is that her father along with his sister and others purchased Acs.40.56 cents of land in R.S. Nos. 1, 4, 5 and Acs.5.96 cents of tribal land in R.S.No. 89 in Dharbagudem Village and in addition, her grandmother along with another purchased Acs.8.50 cents in R.S.No. 2 of Taduvai Village. Out of the above extents of land, the land comprising Acs.34.40 cents in R.S.No. 1, 4, 5 and Acs.8.5 in R.S. No. 2 is the subject matter of acquisition proceedings for Polavaram Project. It is her further case that though her family members are entitled to one-third share of the entire properties admeasuring Acs.72.68 cents, taking advantage of her prolonged absence in the village, her kith and kin got entered their names as owners for an extent of Acs.28.68 cents. Therefore, she submitted her objections on 15.11.2017 to Respondents 2 and 3 District Collector and Project Officer respectively not to disburse the compensation amount in respect of the land covered by R.S.No. 1 in an extent of Acs.6.50 cents standing in the name of the 6th respondent, Acs.3.575 cents standing in the name of the 7th respondent, Ac.1.94 cents standing in the name of the 4th respondent and in R.S.No. 4/2 in an extent of Acs.4.59 cents in the name of the 4th respondent.

W.P.No.6699 of 2018

In this Writ Petition, the petitioner submitted her objections on 15.11.2017 to Respondents 2 and 3 in respect of the land covered in R.S. No. 2 to an extent of Acs.7.00 standing in the name of the 4th respondent and Ac.1.50 cents standing in the name of the 5th respondent of Taduvai Village, Jangareddygudem Mandal.

Learned Government Pleader for Land Acquisition (Andhra Pradesh), has placed before the Court the written instructions, in Writ Petition No. 6665 of 2018, submitted by the R & R Officer & Project Officer, I.T.D.A., K.R. Puram, West Godavari District, wherein it has been stated that for an extent of Acs.3.575 in Survey No. 1, Acs.3.575 in Survey No.1 and Acs.6.50 in Survey No.1, Respondents 5 to 7 alone are held to be entitled for receiving compensation. With respect to the extent of Ac.1.94 in Survey No.1, Acs.4.59 cents in Survey No.4/2 and Ac.1.46 in Survey No. 2/1, on account of the objection raised by the Citizen Co-operative Society Limited, it was decided to refer the dispute to the Competent Authority under Section 64 of the 2013 Act.

Though in the present Writ Petitions, the learned counsel appearing for the petitioners have made submissions with respect to the claim of the petitioners and how they are entitled to receive the compensation and that the petitioners have submitted their objections, pursuant to the notification issued under Section 21 of the Act, declaration made under Section 19, the fact of the matter, however, remains that they were not considered by the respondent authorities while making the Award on 19.02.2018. The petitioner in Writ Petitions No. 6665 and 6699 of 2018 asserts that she has

not received any compensation in spite of filing the objections on 15.11.2017.

Today, it has been submitted by the learned counsel that both the parties have reached a consensus and hence, request this Court to direct the Land Acquisition Officer to refer the matter to the Competent Authority under Section 64 of the 2013 Act, for deciding the rival claims, on merits, after considering their respective cases. They further submit that the parties have no objection for the Land Acquisition Officer to deposit the compensation amount before the competent Court in terms of Section 77 of the Act.

In the light of the consensus arrived at by the parties and in the interests of justice, it is not necessary for this Court to deal with the aspects pleaded in the Writ Petitions.

Hence, the Writ Petitions are disposed of directing the respondent Land Acquisition Officer to deposit the entire amount of compensation, before the civil Court, in terms of Section 77 of the Act and further, refer the dispute to the authority notified under Section 64 of the Act, who shall deal with the same in accordance with law, as expeditiously as possible. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

12th March 2018

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