

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1312 OF 2019

O R D E R:

In this Writ Petition, the petitioners assert that they have interest in land in Survey No. 273/126 situated at Pusugudem Village, Mulakalapally Mandal, Bhadracharya-Kothagudem District which is under acquisition for *Sitharama Lift Irrigation Project*. The case of the petitioners is that since Respondents 8 to 10 are trying to take away the compensation amount, though they do not have any manner of right on the subject land, they had filed objections with the Land Acquisition Officer on 16.07.2018. The petitioners apprehend that their objections would not be considered by the Land Acquisition Officer.

When the Writ Petition came up for admission on 25.01.2019, learned Government Pleader for Land Acquisition was directed to ascertain whether as on date, Award was made or not. Today, the learned Government Pleader, on instructions, submits that no Award has been made yet.

In terms of Section 21 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, a notice is required to be issued to the persons interested. For better appreciation, the said provision is extracted as under:

“Section 21: (1) The Collector shall publish the public notice on his website and cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations and rehabilitation and resettlement for all interests in such land may be made to him.

(2) The public notice referred to in sub-section (I) shall state the particulars of the land so needed, and require all persons interested in the land to appear personally or by agent or advocate before the Collector at a time and place mentioned in the public notice not being less than thirty days and not more than six months after the date of publication of the notice, and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, their claims to rehabilitation and resettlement along with their objections, if any, to the measurements made under section 20.

(3) The Collector may in any case require such statement referred to in sub-section (2) to be made in writing and signed by the party or his agent.

(4) The Collector shall also serve notice to the same effect on the occupier, if any, of such land and on all such persons known or believed to be interested therein, be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf within the revenue district in which the land is situated.”

After following the procedure prescribed under Section 21, an Award is required to be made by considering the respective claims. If there arises any dispute, the Land Acquisition Officer is required to pass orders and in the event the Land Acquisition Officer is unable to decide the rival claims, he mandatorily is required to refer the said dispute under Section 64 / 76 of the Act to the Authority constituted under Section 64 of the Act.

In the present case, as on date, admittedly, the Award has not been made. Hence, the 4th respondent Land Acquisition Officer shall take into consideration the claim of the petitioners on the one hand and that of Respondents 8 to 10 on the other and make an Award, duly determining the entitlement as is mandated under the 2013 Act.

Subject to the above, the Writ Petition is disposed of. No costs.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of. No costs.

CHALLA KODANDA RAM, J

05th February 2019

ksld