

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3970 of 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation for respondents 1 to 5.

2. This writ petition is filed seeking to declare the action of respondents 2 to 4 in not considering the petitioner's representations made by way of legal notices dated 11.04.2017 and 25.04.2017, as illegal and arbitrary.

3. The petitioner and respondents 6 to 9 are the children of late Pappula Veeraiah. Petitioner asserts that the Government had granted patta with respect to the agricultural land admeasuring Ac.4.00 in Sy.No.454, situated at Laxmipuram Village, Burgampahad Mandal, Bhadradri-Kothagudem District, in favour of his father, whose name was also entered in the revenue records and that after demise of his father, himself and respondents 5 to 9 had permitted respondent No.6 to cultivate the said land. While so, when the Government proposed to acquire the said land for the purpose of Sita Rama Lift Irrigation Project, respondent No.6 got amended the revenue records fraudulently on her name without any notice to the petitioner and respondents 5 to 9. After knowing about the acquisition proceedings, they made several representations to respondents 3 to 6 requesting not to disburse the entire award amount to respondent No.6. The petitioner also served legal notices

dated 11.04.2017 and 25.04.2017 to the respondents. But, no action has been taken thereon.

4. Learned counsel for the petitioner submits that though the petitioner filed an application in terms of Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) before the District Collector to refer the matter for determination of the compensation, no action has been taken thereon.

5. Learned Government Pleader would submit that when a reference is sought in terms of Section 76 of the Act 30 of 2013 on account of the dispute with regard to apportionment of the compensation, the same has to be referred to the competent authority in terms of Section 64 of the Act 30 of 2013 and that the final action would be taken by the Land Acquisition Officer.

6. Having regard to the facts and circumstances and in the light of the dispute, without expressing any opinion with regard to entitlement of compensation by the petitioner, the District Collector is directed to consider the claim of the petitioner, who is the son of the original assignee, and in the event the dispute is not decided, he shall refer the same to the competent authority in terms of Section 64 of the Act 30 of 2013, within a period of six weeks from the date of receipt of a copy of this order. Till settlement of such dispute, the Land Acquisition Officer shall deposit the compensation with the competent authority.

7. With the above direction, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous applications, if any pending in this writ petition, shall also stand closed. No costs.

CHALLA KODANDA RAM, J

26th February, 2019

sj

