

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4297 of 2019

O R D E R:

In this writ petition, petitioner challenges the proceedings, dated 16.02.2019, issued by respondent No.4-Revenue Divisional Officer, Husnabad Mandal, Karimnagar District, holding that respondent No.7 herein is the one who is entitled to receive the compensation in respect of the land in Survey No.329 of Gouravelli Village, Husnabad Mandal, Karimnagar District.

Learned counsel for the petitioner states that the petitioner filed a civil suit against the respondents before the Principal District Judge, Karimnagar, aggrieved by the Award passed by the Land Acquisition Officer, and the same is yet to be numbered. She further states that proceedings determining the title to the property by the Land Acquisition Officer in spite of the objections filed by the petitioner are not legal and tenable.

On the other hand, learned Government Pleader for Revenue appearing for respondent Nos.1 to 5 submits that the Land Acquisition Officer based on the material placed before him is entitled to take *prima facie* view and come to a conclusion with respect to the award of compensation. He further submits that if the petitioner is aggrieved by such Award passed by the Land Acquisition Officer, he can seek reference to the competent authority notified under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act 30 of

2013). He also submits that the writ petition is not maintainable as the Act 30 of 2013 prescribes the manner in which such kind of cases be dealt with.

This Court may notice Section 64 of the Act which reads as under:

“64. Reference to Authority:—

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) If the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

Notwithstanding the assertion of the petitioner that Section 64 of the Act does not contemplate deciding the title by the competent authority, the scope of the Act is not only with respect to the award of compensation and apportionment of the same but also with respect to the person to whom it is payable, and is comprehensive enough to entrust the job to such authority so as to ascertain to whom the payment is required to be made for the land acquired.

In those circumstances, as the petitioner has approached this Court without approaching the District Collector, liberty is given to him to file an application seeking reference of the matter to the competent authority by setting out necessary facts, as set out in the writ affidavit, before the District Collector, who in turn, shall treat such application as the one filed under Section 76 of the Act 30 of 2013 and refer the matter to the competent authority, who in turn shall deal with the objections of the petitioner by following the procedure prescribed under the Act.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:05.03.2019

Note: Issue cc in two days.
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