

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 387 OF 2019

ORDER:

This contempt case is filed complaining non-implementation of the order dated 22.02.2018 passed by this Court in W.P.No.4797 of 2018.

The facts are not in dispute.

Taking into consideration the fact that there are rival claims with respect to the subject land, which was under acquisition, and considering the fact that no Award was passed, this Court disposed of the afore-stated writ petition directing the Land Acquisition Officer to consider the claims of the respective parties i.e., the petitioner and respondent No.5 in the writ petition, and pass an Award after issuance of notice under Section 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (For short 'the Act'). In the process of considering the respective claims, this Court had taken note of the fact that the petitioner and respondent No.5 are agreeable to receive the compensation in terms of G.O.Ms.No.123, dated 30.07.2015. Willingness of the petitioner and respondent No.5 to receive the compensation in terms of the above said G.O. relieves the burden of the Land Acquisition Officer to consider various aspects, particularly the market value prevailing as on date, as the same has already been determined in the said G.O. and now what remains to be considered by the Land Acquisition Officer is only with respect to whom the compensation is required to be paid. However, in the

present case on hand, the Land Acquisition Officer has completely ignored the fact that the parties are agreeable to receive the compensation in terms of G.O.Ms.No.123 and passed an Award as if the parties are against to receive the compensation in terms of the said G.O. The Land Acquisition Officer is not able to decide to whom the compensation is payable by determining the market value by following the usual procedure and passed the Award directing the petitioner and respondent No.5 to approach the competent authority under Section 64 of the Act. Now, the allegation of the petitioner is that the Land Acquisition Officer had violated the orders passed by this Court and passed the Award contrary to the same.

The respondents filed a counter-affidavit stating that the Award has been passed considering the rival claims of the petitioner and respondent No.5 and if the petitioner is aggrieved by the same, a remedy under Section 64 of the Act is available to her.

In view of the above, though the Land Acquisition Officer has committed an error in passing the Award, particularly, not considering the willingness of the petitioner and respondent No.5 in the writ petition to receive the compensation in terms of G.O.Ms.No.123, dated 30.07.2015, for the reasons best known to him, he had undertaken the entire exercise of considering the comparative sales etc., and finally determining the compensation at about Rs.90,000/- per acre.

Inasmuch as the Award has already been passed and there is no challenge to the same by the petitioner and considering the fact

that the petitioner has the remedy under Section 64 of the Act before the competent authority, the contempt case is closed leaving it open to the petitioner to avail the said remedy. The Land Acquisition Officer shall forthwith deposit the amount of compensation as mandated under the provisions of the Act, if it has not been made so far.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:17.06.2019

kdl

