

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4745 of 2019

ORDER:

Petitioner asserts that he submitted an application under Section 64 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') on 31.07.2018 before respondent No.3-Land Acquisition Officer-cum-Revenue Divisional Officer, Sircilla, seeking reference to the authority with respect to the compensation that is payable for the acquisition of the land admeasuring Acs.8.23 guntas in Survey Nos.425 and 426 of Ananthagiri Village, Ellanthakunta Mandal, Rajanna Sircilla District, by the State. His grievance is that no action has been taken thereon. Hence, this writ petition.

Today, learned Government Pleader for Land Acquisition, on the instructions furnished by the Land Acquisition Officer, submits that an Award came to be passed on 30.08.2018 and the application, dated 31.07.2018, submitted by the petitioner is not found in the records; that the seal of the Office appeared to have been obtained by the petitioner as there is no entry in the inward register to that effect and that the compensation amount, in fact, stands disbursed to respondent Nos.5 to 7.

Having regard to the subsequent developments, and considering the fact that the Award itself came to be passed on 30.08.2018, the question of making the application on 30.07.2018 does not arise as the application seeking reference under Section 64 of the Act is made only after an Award is passed and not before that.

At best, if there is any objection either with respect to the land acquisition or with respect to the compensation, the objections could have been made only during the award enquiry after publication of notice under Section 21 of the Act.

The submission of the learned Standing Counsel that there was no application, dated 31.07.2018, submitted by the petitioner stands vindicated on account of the fact that the Award itself came to be passed on 31.08.2018. However, it cannot be said that the petitioner would not have any right to seek reference to the authority concerned under Section 64 of the Act, even assuming that the amount of compensation has already been paid to respondent Nos.5 to 7.

In those circumstances, the writ petition is disposed of giving liberty to the petitioner to file an application before respondent No.2- District Collector, Rajanna Sircilla District, seeking to refer his claim to the authority notified under Section 52 of the Act for determination of compensation, within a period of two weeks from today. On receipt thereof, respondent No.2 shall take necessary steps to refer the matter to the competent authority for determination of the respective claims.

Miscellaneous Petitions, if any pending shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:15.03.2019

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