

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5183 OF 2019

ORDER:

This is a case where the petitioners challenge the order dated 04.04.2018, determining compensation payable to the lands which were acquired from them.

2. It is the case of the petitioners that under the consent award, other similarly situated individuals whose lands are adjacent to the petitioners' lands have been paid compensation @ 13.75 lakhs, whereas so far as the petitioners are concerned, because they have not agreed for making consent award, they have been paid only three lakhs per acre, thereby there is hostile discrimination. It is the specific contention of the learned counsel for the petitioners that merely because the petitioners did not agree for consent award to be passed, they shall not be deprived of just compensation as is required to be paid for the lands, especially when similarly situated persons are being paid a sum of Rs.10 lakhs per acre as compensation under the consent award.

3. It is the specific contention of the learned counsel that once either under the consent award or under the relevant provisions of the Land Acquisition Act, the compensation determined is at ten lakhs, there cannot be a different

yardstick that can be applied to the petitioners' lands, merely because they are asserting their rights in law.

4. Taking into consideration all these aspects, learned Government Pleader was directed to file a counter affidavit and get specific instructions with respect to the alleged discrimination meted out by the petitioners.

5. When the matter is taken up for hearing, learned Government Pleader placed on record the award proceedings dated 07.03.2019, in relation to others, wherein, per acre Rs.10 lakhs have been paid along with other attendant benefits. However, it is also ascertained that so far as the petitioners are concerned as they did not chose to take the award amount in terms of the award, the amount has been deposited with the authority constituted under Section 51 of the Act and the reference has also been made by the Collector invoking under Section 77 of the Act, and the case of the petitioners has been referred as O.P.No.19 of 2019 and the same is pending before the competent authority for determination of just compensation under Section 64 of the Act. It is also the contention of the learned Government Pleader that the petitioner would be at liberty to produce all evidence in support of their claim including the award made with respect to the others wherein higher compensation amount has been granted, which the competent authority shall consider.

6. Having regard to the above said submissions, there being no dispute at this point of time that the matter is pending before the authority, who is a judicial authority and who is required to determine the compensation applying the well settled principles over more than a century, the Writ Petition is disposed of with an observation that the authorities shall take into consideration of all the material that is to be produced by the petitioners in support of their claim for compensation either at the rate of Rs.10 lakhs or more which shall be considered by the authorities, in accordance with law, as expeditiously as possible. There shall be no order as to costs.

7. Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

22.04.2019.

vhb