

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.6144 and 6191 of 2019

COMMON ORDER:

In these two writ petitions, the subject matter of the dispute is as to the entitlement of the petitioners with respect to the compensation payable under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') over an extent of 100.62 sq. meters and 120.71 and 463.38 square yards respectively at Mamidiyal Village, Mulugu Mandal, Siddipet District.

2. The land is proposed to be acquired for the purpose of construction of Konda Pochamma reservoir under Kaleswaram Project.

3. As per the instructions provided by the Tahsildar, Mulugu Mandal, through the learned Government Pleader, there are rival claims with respect to the compensation amount. As on date, the land acquisition proceedings are at the stage of Section 19 of the Act.

4. In other words, as on date, the award is yet to be made. As it is well settled by a large number of decisions of this Court, when there are rival claims, the Land Acquisition Officer, based on the material available before him, in the process of enquiry under Section 21 of the Act, is entitled to arrive at a decision as to whom the compensation amount is payable. In the event, the Land Acquisition Officer is not able to arrive at such a decision, he is mandated to take the course under the provisions of Sections 77 and 78 of the Act read with Section 23 of the Act and deposit the said amount with the

competent authority notified under Section 51 of the Act. Simultaneously, at the request of the either party or *suo motu*, the Collector is mandated to refer the dispute to the authority to enable the respective parties to place evidence with respect to their respective claims, which authority is required to determine the entitlement and direct payment of compensation, which is already deposited with the authority.

5. As, in the present case, the enquiry is yet to be conducted and the award is yet to be passed, the Land Acquisition Officer is directed to consider the respective claims and pass appropriate orders determining their entitlement for compensation or take the course, as is mandated under the Act, by making a reference to the authority, in the event, the Land Acquisition Officer is unable to decide with certainty to whom the compensation is payable. For any reason, if the Land Acquisition Officer fails to take the course, it would also be open for the aggrieved party to approach the authority by making an Application under Section 64 of the Act.

Subject to the above, the writ petitions are disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

April 22, 2019
DSK