

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.Nos.7217 and 7237 of 2019

COMMON ORDER

Since the similar issue is involved in both these writ petitions, they are being disposed of by this common order.

2. These writ petitions are filed seeking to declare the action of the respondents in not paying the compensation to the petitioners after acquisition of the subject lands for the purpose of Seetharama Lift Irrigation Project Scheme, in spite of their representations, as illegal and arbitrary.

3. The petitioners assert that the 3rd respondent issued notification on 09.03.2018 proposing to acquire their lands for the purpose of construction of Seetharama Lift Irrigation Project at Palvoncha. The petitioners further assert that initially, their names were shown in the notification, however, subsequently, the 6th respondent, with a *malafide* intention and collusion with the revenue officials, had illegally entered his name as pattadar of their properties and in Form-IB also, the name of the 6th respondent was added by the revenue authorities. Hence, they are apprehending that the compensation would be paid to the 6th respondent without considering their claims.

4. Learned Government Pleader for Land Acquisition has placed on record the written instructions received from the Special Deputy Collector, Land Acquisition, Seetharama Lift Irrigation Project,

Palvoncha. As can be seen from the said instructions, even as on date, there is no declaration published in terms of Section 19 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (for short 'the Act'), which is final with respect to the land being acquired for public purpose. In the process of award enquiry, in terms of Section 21 of the Act, the Land Acquisition Officer is mandated to issue notice to the persons interested, consider their claims that may be placed before him and pass orders in terms of Section 23 of the Act.

5. In the present cases, there is no dispute that the petitioners have made claims and likewise, there appears to be some claim from the 6th respondent. In those circumstances, interest of justice would be served if a direction is given to the Land Acquisition Officer to follow the procedure in terms of section 21 of the Act by issuing notice to the petitioners as well as the 6th respondent in the process of award enquiry and to consider the objections, if any made by them, and pass the award determining the compensation. In the event there being any dispute and the Land Acquisition Officer is not able to arrive at conclusion in payment of compensation, necessary procedure as prescribed under the Act, by making a reference to the authority constituted under Section 64 of the Act, should be followed, by duly depositing the compensation amount before the Civil Court in terms of Section 77 of the Act.

6. Subject to the above, both the Writ Petitions are disposed of. No order as to costs.

7. Miscellaneous petitions, if any pending in these writ petitions, shall stand closed.

CHALLA KODANDA RAM, J

4th April, 2019

sj

