

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.7202 of 2019

ORDER

Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 2 and 4 and learned Government Pleader for Land acquisition for respondents 1 and 3.

2. This writ petition is filed seeking to declare the action of the 3rd respondent in passing the award vide proceedings No.G/137/2018 dated 13.06.2018, by acquiring the petitioners' agricultural property admeasuring Ac.2.01 gts in Sy.Nos.487, 487, 488 and 488, situated in Dagadapally Village of Chinnambaavi Mandal, Wanaparthi District, for the purpose of Rajiv Lift Irrigation Scheme Project, and trying to pay compensation amount of Rs.9,21,094/- to the unofficial respondents without considering their representations dated 21.11.2018 and 02.01.2019, as illegal and arbitrary.

3. The petitioners assert that their agricultural land was acquired for the purpose of Rajiv Lift Irrigation Scheme Project and an award was also passed on 13.06.2018 determining the compensation of Rs.9,21,094/-. They further assert that as they were not aware of the land acquisition proceedings, they did not file objections before the Land Acquisition Officer in the process of award enquiry and that on coming to know about passing of the award, they made representations on 21.11.2018 and 02.01.2019 to the respondents requesting not to pay compensation to the unofficial respondents.

They also brought to the notice of the respondents with regard to pendency of the suit in O.S.No.67 of 2018 on the file of the Senior Civil Judge's Court, Wanaparthi, wherein *status quo* order was passed till disposal of the suit. The petitioners further assert that in spite of submission of their representations, the Land Acquisition Officer/Collector, without referring the matter to the authority constituted under Section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (for short 'the Act') in terms of Section 64 of the Act, is trying to disburse the compensation to respondents 5 and 6.

4. Learned Government Pleader for Revenue would contend that admittedly, the award was passed on 13.06.2018 and the petitioners ought to have approached the Collector within 30 days from the date of passing of the award and therefore, as the petitioners have not availed the remedy available under the Act, they are not entitled to the relief as prayed for. Thus, he prays for dismissal of the writ petition.

5. Having regard to the respective submissions, the 2nd proviso to Section 64 of the Act provides an effective remedy to the petitioners. However, in order to avoid complications and not to burden this Court, in normal circumstances, whenever such objections are raised, the Collector is duty bound to consider those objections rather than driving the parties to the authorities.

6. In those circumstances, it would be appropriate to give a direction to the Collector/Land Acquisition Officer to refer the claim of the petitioners under Section 64 of the Act to the authority constituted under Section 51 of the Act by virtually making a statement as required under Section 65 of the Act. Till such time, the compensation amount shall be deposited with the authority in terms of Section 77 of the Act.

7. Subject to the above, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

4th April, 2019

sj

CHALLA KODANDA RAM, J

