

In the High Court for the State of Telangana

WRIT PETITION No.7201 of 2019

Between:

A. Srinivasa Reddy/

... Petitioner

and

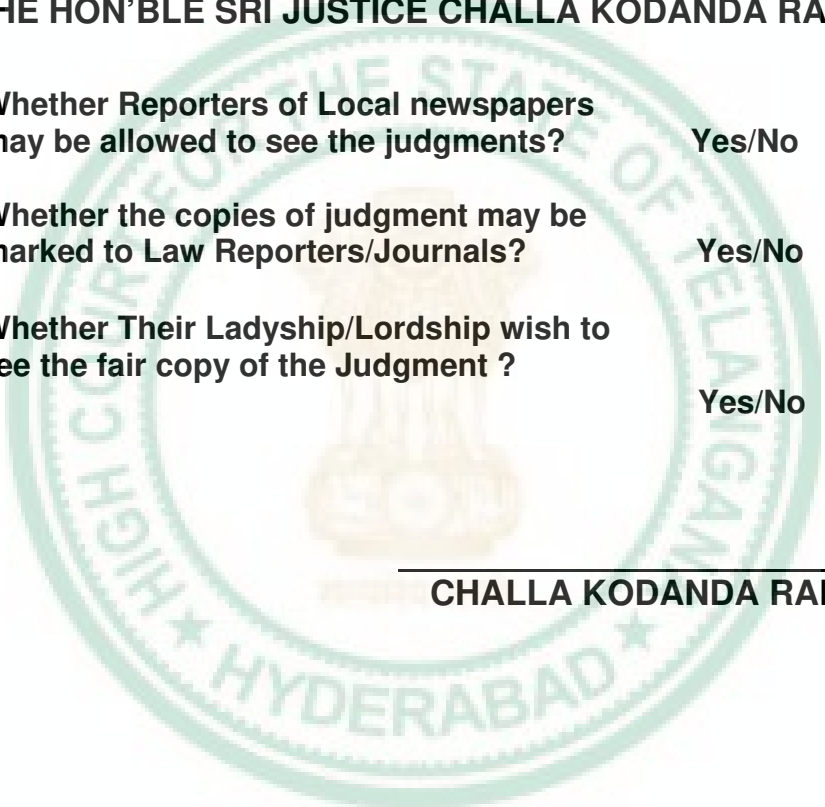
The State of Telangana and others.

...Respondents

Date of Judgment Pronounced: 04.04.2019

Submitted for Approval:

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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1. Whether Reporters of Local newspapers may be allowed to see the judgments? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No
 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment ? Yes/No

CHALLA KODANDA RAM,J

*** THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

+ WRIT PETITION No.7201 of 2019

% Dated 04.04.2019

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#A. Srinivasa Reddy.

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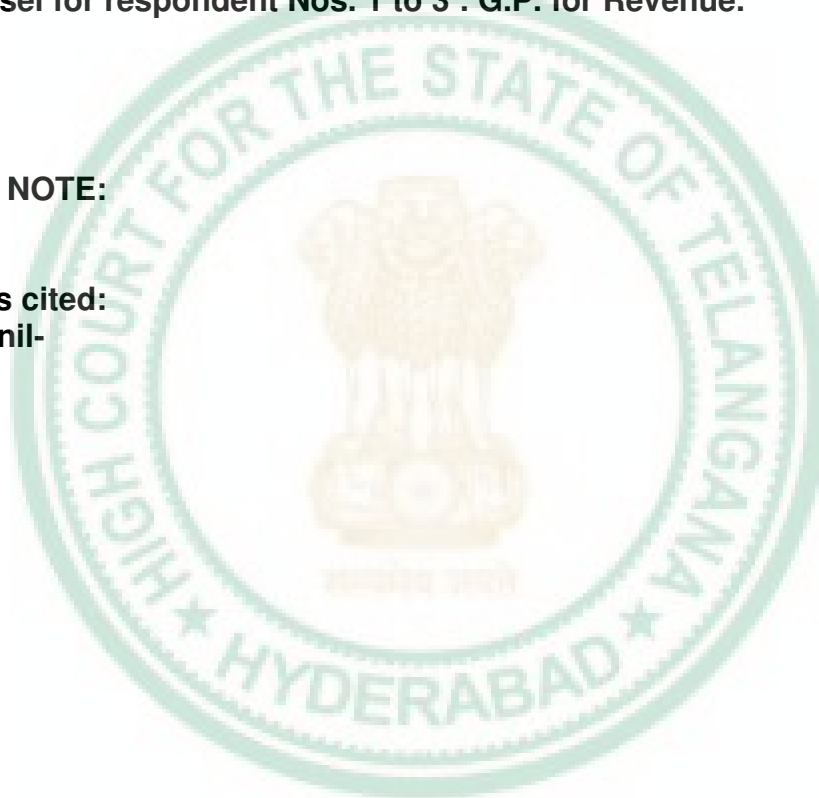
! Counsel for the petitioner : Sri M.M.Srinivasa Rao.

^ Counsel for respondent Nos. 1 to 3 : G.P. for Revenue.

<GIST:

>HEAD NOTE:

**? Cases cited:
-nil-**



THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**W.P.No.7201 of 2019****ORDER**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 5

2. This writ petition is filed seeking to declare the action of respondents 3 and 4 in trying to release the compensation amount in favour of the 6th respondent with respect to the land to an extent of Ac.3.14 gts in Sy.No.684, situated at Papkollu village, Julurpad Mandal, Bhadravadi-Kothagudem District, without considering the objection/representation dated 26.02.2019, of the petitioner, as illegal and arbitrary.

3. The petitioner asserts that he is the absolute owner and possessor of the aforesaid land and that the 2nd respondent has issued notification under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) (for short 'the Act'), on 26.01.2019, proposing to acquire the part of his land for the purpose of excavation of gravity canal under Sita Rama Lift Irrigation Project. He further asserts that in the said notification, the name of the 6th respondent was shown as owner of the subject property. He further asserts that the 6th respondent was only his 'kouldar' and he has no right over the said land and therefore, he is not entitled to receive the compensation. He further asserts that as the preliminary notification was issued on 26.01.2019 inviting objections from the

interested persons, the petitioner has submitted his objection on 09.02.2019 before the Tahsildar; on 12.02.2019 before the District Collector; and finally on 26.02.2019 before the Special Deputy Collector. He further asserts that based on the objections filed by him, the Revenue Divisional Officer has directed the Tahsildar vide letter dated 11.10.2018, to conduct investigation, take necessary legal action based on the records and submit a report. In spite of the same, the petitioner apprehends that the respondents may not consider his objections as his name was not figured in the preliminary notification. He further asserts that he has placed all the material with respect to his right, title and enjoyment of the property for entitlement of compensation that may be awarded in the land acquisition proceedings.

4. Learned Government Pleader for Revenue has placed on record the written instructions received from the Special Deputy Collector (LA),. SRLIP, Palvoncha. The sum and substance of those instructions is that the name of the 6th respondent is shown in the 'enjoyer column' of the revenue records and the name of pattedar is recorded as Government land. It is further asserted that the subject land is a Government land situated within the tribal area and the petitioner, who is a non-tribal, has no right to claim compensation.

5. Having regard to the respective submissions and the specific instructions, there is no dispute that the respondents have called for objections from the interested parties and the petitioner has filed the

same. However, the objections filed by the petitioner as well as the claim of the 6th respondent, if any, is required to be considered by the Land Acquisition Officer in the process of enquiry under Section 23 of the Act. After considering the entire material placed before him along with the documents available on record, the Land Acquisition Officer is duty bound to express his opinion as to whether the petitioner or the 6th respondent or any other person interested is entitled to receive compensation or not, and on determination of such right, the aggrieved party has to approach the District Collector seeking a reference to the authority constituted under Section 51 of the Act for determination of the entitlement in terms of Section 64 of the Act. Such being the course, it is not open to the Land Acquisition Officer, at this stage, even before any enquiry is conducted in terms of Section 23 of the Act, to reject the claim of the petitioner.

6. In that view of the matter, the written instructions issued by the respondents are only for the purpose of submission before this Court. Therefore, it would be appropriate to direct the Land Acquisition Officer to consider the objections of the petitioner as well as the claim of the 6th respondent, if any, and pass appropriate orders in the process of passing of the award as mandated under the Act. Till such time, in the event the Land Acquisition Officer comes to a conclusion that there is a dispute with respect to the title, he is mandated to deposit the money with the authority constituted under Section 51 of the Act, for apportionment at appropriate time, after issuance of appropriate proceedings in terms of Section 64 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.

CHALLA KODANDA RAM, J

4th April, 2019
LR copy
sj

