

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7365 of 2019

ORDER:

The writ petition is praying for a Mandamus as under:

“..to issue a Writ order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent land acquisition officer in not showing the petitioner land in Sy No 111 to an extent of Ac 1 20 gts and Sy No 112 to an extent of Ac 2 20 gts total Ac 4 00 gts of Cheemalapadu Village Relakayalapalli Revenue Village Singareni Mandalam Khammam District without paying compensation to the petitioner and without demarcating the entire land in the Sy No 111 and 112 of total land in question in spite of the petitioner representation dated 23 03 2019 illegal and void and opposed to Article 14 19 21 and 300A of Constitution of India and consequently to direct the respondents to pay the compensation to the petitioners land in question or alternatively to direct the authorities to refer the matter either to civil court of the to the competent authority by duly depositing the entire compensation amounts of Sy No 111 and 112 total extent in question as per the Land Acquisition Act 2013 and after conducting fresh survey to pay the compensation to the concerned persons as per their respective lands and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. At the outset, the relief of this nature cannot be granted by a writ Court. The procedure contemplated under Section 14 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act') is that after the award is made with respect to the land forming part of declaration under Section 19 of the Act, the Land Acquisition Officer is entitled to take possession on compliance with the mandate of paying compensation in terms of Section 38 of the Act. The Land Acquisition Officer or the Revenue authorities have no responsibility or duty to

show to the petitioner the other extent of the land, which was not forming part of the acquisition.

3. In the event, if the petitioner is aggrieved with the award or with respect to the extent or the compensation, the remedy of the petitioner is to raise a dispute with the proper authority as notified in terms of Section 51 read with Section 64 of the Act. A well laid procedure is available under the Act.

In those circumstances, the writ petition is closed leaving it open to the petitioner to work out his remedies available under the Act. As the petitioner complains of non-receipt of the award, the petitioner shall approach the Land Acquisition Officer and seek for a copy of the award, which shall be furnished within two (2) days from the date of making such an application. 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 8, 2019

Note: Furnish C.C. by 10.04.2019

(B/o) DSK