

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7703 of 2019

ORDER:

Heard learned counsel for the petitioner, Learned Government Pleader for Land Acquisition for respondents 1 to 3 and learned Government Pleader for Revenue for respondent No.4.

2. This writ petition is filed seeking to declare the action of the 3rd respondent in not paying the compensation to the petitioner for acquiring his land to an extent of Ac.1.14 gts in Sy.No.61/2 situated at Madharam Village, Mulakapalli Mandal, Bhadrachalam District, for the purpose of construction of Seetharama Project, as illegal and arbitrary.

3. The petitioner asserts that his name was shown as possessor in the notification issued under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') on 19.01.2018. However, the 5th respondent is approaching the Land Acquisition Officer claiming compensation with respect to the subject land. Therefore, the petitioner apprehends that the compensation would be paid to the 5th respondent ignoring his claim.

4. Learned Government Pleader has placed on record the instructions, wherein it is stated that out of the land to an extent of Acs.110.27 gts, for the land to an extent of Acs.93.27½ gts, an award was passed, but for the balance extent of

land of Acs.17.00 ½ gts, which is the subject matter of the notification, no award has been passed and that the 5th respondent is the pattadar of the land to an extent of Acs.1.14 gts in Sy.No.61/2, out of which, an extent of Ac.0.21 gts is only acquired for the purpose of Seetharama Lift Irrigation Project and that as per the revenue records, the interested persons are the petitioner as well as the 5th respondent.

5. Having regard to the aforesaid instructions, as on date, admittedly, no award has been passed with respect to the subject land. Therefore, in the process of passing of the award, the Land Acquisition Officer shall take into consideration the respective claims of the petitioner as well as the 5th respondent, who were shown as interested persons in the subject land, conduct enquiry and determine the compensation. If the Land Acquisition Officer is unable to arrive at the conclusion in payment of the compensation, necessary reference under Section 64 of the Act should be made to decide the said dispute.

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

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

CHALLA KODANDA RAM, J

12th April, 2019

sj