

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8640 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Irrigation and Commercial Area Development for respondent Nos.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 respondent Nos.2 and 3 in taking steps to release compensation in favour of the unofficial respondents in respect of the land of the petitioner admeasuring Ac.1-15½ gts in Sy.No.234/A, situated at Julurupadu Village and Mandal, Bhadradi, Kothagudem District, which is sought to be acquired for the purpose of Sitarama Irrigation Project, as illegal and arbitrary.

3. There are rival claims between the petitioner and the unofficial respondents with respect to subject property, which is proposed to be acquired under Sitarama Irrigation Project. It is not necessary for this Court to deal with in detail with respect to the claim of the parties as it is for the Land Acquisition Officer to consider those claims in the process of enquiry under Section 21 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short '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

decide the question as to whether the petitioner or the unofficial respondents are entitled to receive compensation or not, and on determination of such right, the aggrieved party has to approach the District Collector seeking reference to the authority constituted under Section 51 of 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 compensation with the authority constituted under Section 51 of the Act, for deciding the claim in terms of Section 64 of the Act.

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

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

CHALLA KODANDA RAM, J

23rd April, 2019

sj