

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

Writ Petition Nos. 16854 of 2018 and 16673 of 2019

COMMON ORDER:

Preliminary notification under Section 10 of the Land Acquisition Act, 2013 was issued to acquire Acs.177.2 gts., of land in Jagannadapuram village of Sathupalli Mandal, Khammam District.

2. Land to an extent of Acs.4.00 in Sy.No.75 and Ac.1.00 in Sy.No.25 of the said village is also part of the Land Acquisition notification.

3. Petitioner claims that as a serving person in Indian Army land was assigned to him and after his retirement from the Indian Army he is cultivating the said land.

4. He filed W.P. No.16854 of 2018 apprehending resumption of the land and dispossessing him without following due process of law. He filed W.P. No.16673 of 2019 alleging in spite of the request made by the petitioner to refer the dispute for settlement of entitlement to receive compensation on the above extent of land, same is not referred so far.

5. According to the learned counsel for the petitioner, though the subject land was assigned to him, 5/6th respondent, respectively, claiming himself as Bandi Krishna Reddy manipulating the Pattadar Pass Book and title deeds by fixing his photo and is claiming as owner of the land and claiming compensation. Having come to know that such person was making illegal claim, petitioner lodged a complaint and sought for reference to the authority for resolution of the dispute with reference to the entitlement to receive compensation.

6. According to the learned Government Pleader on the subject property, matter is at Section 11 stage and award enquiry has to be conducted. Due to the pendency of the writ petition filed in the year 2018, the proceedings were stalled. He fairly submits that exercise has to be undertaken. After award is passed, it is open to the aggrieved party to file an application for reference to the Authority to resolve the dispute and on filing such application the matter would be referred to the authority to decide the entitlement to receive compensation determined.

7. Having regard to the above submissions and without touching on the merits of the claim of the petitioner and unofficial respondent 5/6th respectively, this writ petition is disposed of directing the Land Acquisition Officer to take up the award enquiry proceedings immediately by putting on notice both persons and hear their objections and pass award expeditiously. After the award is passed, copies of the award shall be communicated to the persons. Aggrieved person can file an application for reference to the authority. If within thirty days, from the date of communication of the award, an application is filed for reference, compensation shall not be disbursed and the same shall be deposited with the authority.

8. With the above directions, these writ petitions are disposed of. There shall be no order as to costs.

9. As a sequel, miscellaneous applications if any pending, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 07.08.2019
LSK