

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20980 of 2019

ORDER:

In this Writ Petition, petitioners' grievance is, non-consideration of their representation dated 08.08.2019 with regard to payment of compensation in respect of acquisition of their lands admeasuring Acs.29.18 guntas covered by Survey No.40 of Annadevam Revenue Village, Annapureddypalli Mandal, Bhadrachalam District, for the purpose of construction of Gravity Canal under Sitarama Lift Irrigation Project.

Learned Assistant Government Pleader has produced before this Court a copy of the written instructions received from the seventh respondent – Special Deputy Collector (Land Acquisition), Sitarama Lift Irrigation Project, Palvanah. The same is placed on record.

Relevant paragraphs of the aforesaid written instructions are reproduced below:

“7. After publication of Preliminary Notification, a Grama Sabha was conducted at Grama Panchayath Office, Annadevam Village of Annapureddypalli Mandal on 12.09.2019. at the time of Grama Sabha, the farmers have filed objection/representation petition including one of the writ petitioner namely Sunnam Peddiraju and others and requested to re-enjoyment survey

conducted in Sy.No.40 and to finalize the genuine land losers who are actually coming under acquisition under SRLIP and do justice.

8. It is submitted the representation has forwarded to Assistant Director (S&LR), Bhadradi Kothagudem vide Special Deputy Collector's office Palvanha Rc.No.B/620/2019 dated 17.09.2019 to conduct re-survey the land and submit revised enjoyment list.

9. It is submitted in the writ petitioners filing in the affidavit to an extent of Acs.29.08 in Sy.No.40 of land is losing 11 persons in Thottipampau H/o Annadevam Village of Annapureddypally Mandal. The above person names are not covered in enjoyment survey and the writ petitioners have filed objection petition in Grama Sabha to conduct fresh enjoyment survey and inclusion of their names in Survey report to pay land compensation and do justice.

10. It is submitted that after receiving the revised survey report u/S. 19(1) of L.A. Act publication of declaration is to be issued, now, it is under process.

11. The Executive Engineer, Balaji Venkateswara Swamy Temple, Annapureddypally Mandal, has submitted application on 16.08.2019 vide File No.SBVSD/24/2019 to Special Deputy Collector (L.A.) SRLIP, Palvanha and stating that dispute between tenant holders and endowment department the land in Sy.No.39 & 40 to fix the survey boundary. Now, it is survey work is under process. Subsequently, filed another petition to District Collector, Bhadradi Kothagudem and do justice. The District Collector, Bhadradi Kothagudem has forwarded to Special Deputy Collector, SRLIP, Palvanha, to take further action in the matter. Survey work is under process.

It is finally submitted that after receiving the revised survey report, the Publication of Declaration u/S.19(1) of L.A.-2013 is to be issued.”

From the above, it is evident that the claims with respect to entitlement to compensation are not yet determined as declaration under Section 19(1) of the Right to Fair compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), has not been made. It is to be noted that it is only after such declaration and conducting enquiry under Section 21 of the Act, respective claims for compensation and entitlement of the claimants to receive the compensation are required to be determined.

In those circumstances, after issuing declaration under Section 19 of the Act, if the Land Acquisition Officer finds that the petitioners are the persons interested, who are required to be issued notice for the purpose of conducting enquiry under Section 21 of the Act, by duly complying with the statutory provisions, he shall pass an Award determining the entitlement of the claimants to receive compensation, after taking into consideration the material on record.

Subject to the above, this Writ Petition is disposed of. However, if any of the parties were aggrieved with the Award, they may exercise their right under Section 64 of the Act.

Miscellaneous Petitions, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

25th SEPTEMBER, 2019.

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