

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23333 of 2019

ORDER:

In this Writ Petition, petitioner's grievance is non-reference of her claim to the Authority notified under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), by the third respondent – Special Deputy Collector/Land Acquisition Officer-cum-Sub-Collector, Sitarama Lift Irrigation Project, Palvoncha, Bhadradri Kothagudem District.

In the Award dated 31.05.2019, the third respondent by making a reference to the common order of this Court in Writ Petition Nos.7217 and 7237 of 2019 dated 04.04.2019, considered the claim of the petitioner herein, however, rejected her claim holding that she is not entitled to compensation with respect to the land admeasuring Acs.6.02 guntas, Acs.2.33 guntas, Ac.0.17 guntas and Acs.4.35 guntas covered by Survey No.193, 223/1, 224 and 225 respectively, situated at Gumpena Village, Annapureddypalli Mandal, Bhadradri Kothagudem District. There is no dispute that the petitioner had participated in the Award enquiry in terms of Sections 21 to 23 of the Act.

As per clause (a) of the first proviso to Sub-Section (2) of Section 64 of the Act, a person, who had participated in the enquiry, is entitled to seek reference subject to the condition of his filing such application before the Collector within six (6) weeks from the date of the Award. However, the second proviso to Sub-Section (2) of Section 64 of the Act provides for entertaining a belated application by the Collector even after expiry of the stipulated period with an outer limit period of one year subject to his satisfaction that such application could not have been filed by applicant within the period specified in clause (a) of the first proviso.

The petitioner approached this Court by way of filing Writ Petition No. 13450 of 2019, which came to be disposed of along with Writ Petition No.13477 of 2019 by this Court on 05.07.2019 permitting her to workout the remedies as available to her under law. Thereafter, on 30.08.2019, she approached the third respondent by way of filing a claim petition, but, she ought to have submitted the same to the Collector in terms of Section 64 of the Act. In the circumstances, non-reference of the petitioner's application by the third respondent cannot be found fault with.

However, considering the fact that valuable rights of the petitioner are involved, the third respondent is directed to make

over the file to the second respondent, who in turn, shall refer the same to the Authority notified under Section 64 of the Act, who in turn, shall consider the claim of the petitioner and pass appropriate orders in accordance with law, as to whether the amount be paid pending consideration of the claim or otherwise. This exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order. Till such time, if the amounts are not disbursed in relation to the land in dispute, the same shall not be disbursed.

Subject to the above, this Writ Petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

25th OCTOBER, 2019.

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