

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23499 OF 2019

ORDER :

Petitioner challenges the action of the 2nd respondent - Registrar in not entertaining the Petition seeking disbursement of remaining amount pursuant to the Award dated 30.11.2016 *vide* Proc. No. B/886/2015 by the Special Deputy Collector, Land Acquisition (Industries), Hyderabad.

The petitioner claims right and ownership over plot No. 9 in Survey No. 52/1, admeasuring 55 square yards at Marriguda, Hamlet of Mallapur Village, Uppal Mandal, Ranga Reddy District and a house constructed therein. While so, the government *vide* Gazette Notification dated 01.06.2016 required the land in Mallapur Village for construction of MMTS Railway Station Phase-II and thereafter, the Land Acquisition Officer passed the Award dated 30.11.2016 in his favour as well as other claimants. However, claimant Nos. 61 and 62, who have no manner of right over the land in issue, falsely filed Objection Petition on 27.09.2017. Hence, the matter was referred by the Land Acquisition Officer to the 2nd respondent and the said proceedings are pending for two years. The petitioner filed I.A. No. 5 of 2018 before the 2nd respondent seeking release / disbursement of the amount under the Award pending disposal of L.A.O.P. No. 21 of 2017, but the 2nd respondent allowed the said Petition to receive only amount of structure raised by him. Thereafter, on an another Application filed by the petitioner to release the balance amount, the 2nd respondent returned the said Application as 'this Petition cannot be entertained now'.

Heard learned counsel for the petitioner as well as learned Government Pleader for Land Acquisition.

The jurisdiction and power vested with the Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not, in any way, permit granting of interim release of money as the said Authority is required to adjudicate the disputes *inter se* parties, consider the rival claims and determine the aspect of rightful entitlement of the compensation payable under the Act. In that view of the matter, the Order passed by the Competent Authority notified under Section 64 of the Act cannot be found fault. However, considering the fact that reference under Section 64 of the Act is said to be pending from 2017 and also considering the fact that the Award is of 2016, the Land Acquisition, Rehabilitation & Resettlement Authority at Hyderabad shall endeavour to dispose of the matter on merits by following due process within 12 weeks from the date of receipt of a copy of this order. No costs.

Consequently, the miscellaneous Applications if any shall stand closed.

CHALLA KODANDA RAM, J

29th October 2019

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