

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18677 of 2016

ORDER:

Petitioners assert that their lands came to be acquired for the purpose of construction of B.P.L. Power Project Limited in Ramagundam Mandal, Karimnagar District, pursuant to the notification issued under the Land Acquisition Act, 1894 (for short 'the Act') and an Award was also passed on 07.07.2000; that not satisfied with the compensation awarded by the land Acquisition Officer, they sought to refer the matter to the civil Court and that no action has been taken thereon. In the circumstances, they filed this writ petition seeking a mandamus.

On 18.04.2019, this Court directed the Registry to obtain specific information from the learned District Judge, Karimnagar as to whether any application under Section 18 of the Act was received in respect of Award Proceedings, dated 07.07.2000 at the instance of the petitioners. Accordingly, the learned District Judge submitted a report, relevant portion of which reads as under:

“Accordingly, the Revenue Divisional Officer, Peddapalli has submitted a letter to this Office under reference 4th cited, stating that on perusal of the file, it is observed by him that Section 18 petitions were sent to this Court, but the acknowledgment is not traceable in his office and further mentioned that a copy of the said form of reference is being sent along with letter to his Court for necessary action.

Pursuant to the orders of the Hon'ble High Court dated 23.04.2019, this Court has once again verified the entire records of this Court as well as the Courts of principal

Senior Civil Judge, Karimnagar and also Senior Civil Judge, Peddapalli as to whether any reference has to be made by the Revenue Divisional Office, Peddapally. But this Court could not trace the alleged reference said to have been made by the Revenue Divisional Officer, Peddapalli.

I am to further submit that as per the letter of the Revenue Divisional Officer, Peddapalli under reference 4th cited, there is a mention that a copy of the form of reference is being sent to this Court, but, in fact, no reference is received in this Court except the letter under reference 4th cited. As per the Inward Register of this Court dated 13.12.2017, only the letter under reference 4th cited is received but not the copy of form of reference.

In view of the report of the staff members of this Court and also as per the information furnished by the Revenue Divisional Officer, Peddapalli that the acknowledgment is not traceable in his office in proof of sending the alleged Award No.8/2000 to this Court, it clearly reveals that he has not referred the Award No.8/2000 to this Court.”

In the light of the above, there is no dispute that the petitioners have sought reference under Section 18 of the Act and it is only on account of the lapse on the part of the Revenue Divisional Officer.

Learned counsel for the petitioners submits that references not only with respect to the petitioners, but also, many others are pending before the Revenue Divisional Officer concerned, which aspect is denied by the learned Government Pleader.

In the light of the above, as valuable rights of the petitioners are involved in the matter and the respondents are not acting on the request of the petitioners for enhancement of compensation for the land acquired, respondent No.3 shall make over the file relating to

the Award dated 07.07.2000 to the learned District Judge, Karimnagar, for dealing with the same in accordance with law. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It may be clarified that in view of Section 24 (1) (b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, there is no impediment for the civil Court to deal with the matter, as the same is a reference under Section 18 of the Act.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:29.10.2019

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