

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.30657 of 2018

ORDER :

This writ petition is filed seeking *Mandamus* to declare the action of the respondents in not considering the objections/representations of the petitioner with regard to passing of compensation award for the land to an extent of Ac.03-00 gts in Survey No.140/7/Ju/E/Ru in Bendalapadu Village, Gurramgudem Panchayat, Chandrugonda Mandal of Bhadradri Kothagudem District, and not referring the matter to the Authority under Section 64 of Act 30 of 2013 and in proceeding to declare the Award in the name of Respondent No.5, as illegal, arbitrary unconstitutional and in direct violation of the provisions of Act 30 of 2013, and consequently, direct the respondent No.3 not to pass any Award for the land to an extent of Ac.03-00 gts in Survey No.140/7/3u/E/Ru in Bendalapadu Village, Gurramgudem Panchayat, Chandrugonda Mandal of Bhadradri Kothagudem District, in the name of respondent No.5 and refer the matter to the Authority constituted under Section 64 of Act 30 of 2013.

Heard Sri N.S. Arjun Kumar, learned counsel for the petitioner, as well as the learned Assistant Government Pleader for Land Acquisition appearing for respondent Nos.1 and 3, learned Government Pleader for Revenue appearing for

respondent Nos.2 and 4, and Sri P.V. Ramana, learned counsel appearing for unofficial respondent No.5.

The learned Assistant Government Pleader for Land Acquisition has produced written instructions before this Court, the relevant portion of which reads as under:

“It is further submitted that based on the report of Tahsildar, Chandrugonda and after receiving the land records, consent award was passed for the extent of Ac.03-00 gts in Survey No.140/7/3u/E/Ru in favour of Smt. Tejavathu Bhadramma, w/o. Venkanna on 17.07.2018 vide Collector, Bhadradri Kothagudem, Proceedings No.G/14/2016 and bill was submitted to APAO, Bhadradri Kothagudem vide Token No.1560 on 25.07.2018 for Rs.24,00,000/-.

It is to submit that after passing of consent Award, the Hon'ble High Court, Hyderabad, has issued interim orders in I.A.No.1 of 2018 in W.P.No.30657 of 2018, dt.29.08.2018, the order as follows:

“The 3rd respondent shall consider the objection dt.15.03.2018 made by the petitioner before passing the Award and communicate his decision to the petitioner. There shall be stay of disbursement of the compensation amount pursuant to any Award which may be passed by the 3rd respondent until further orders.”

In compliance with the Hon'ble Court directions, the compensation was not disbursed and the matter has been referred to authority U/s. 64 of L.A. R&R Act, 2013 and the awarded amount of Rs.24,00,000/- was deposited with L.A. R&R Authority in the shape of D.D. bearing No.046286, dt.05.07.2019 for the extent of Ac.03-00 gts in Survey No.140/7 and 140/8 vide this Office File Rc.No.B/108/2017, dt.17.07.2019 and the authority has allotted Case No.LAOP No.76 of 2019. In turn, the authority

has issued notices to the concerned notified Pattadar and enjoyer.”

Learned counsel for the petitioner submits that since the authorities have already referred the matter under Section 64 of the Act, the grievance of the petitioner stood redressed.

However, Sri P.V. Ramana, learned counsel for unofficial respondent No.5, who filed counter affidavit along with vacate stay application, submits that though the Award was passed on 17.07.2018, the relief sought by the petitioner in the writ petition is that the objections filed by him have to be considered before passing the Award. Since the Award has already been passed on 17.07.2018, the question of considering the objections filed by the petitioner after passing of the Award does not arise. He further contends that pursuant to the passing of Award, the Award amount of Rs.24,00,000/- was also deposited into the Account of respondent No.5 vide Token No.1560 on 25.07.2018 and, at this stage, the question of referring the matter to the Authority constituted under Section 64 of the Act does not arise.

It is pertinent to refer Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), which reads as under:

“Reference to Authority:

(1) Any person interested who has not accepted the award, may by written application to the Collector, for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

2. The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made;

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under Section 21, or within six months from the date of the Collector's award, period shall first expire;

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.”

Learned counsel for the petitioner submits that operation of Section 64 of the Act comes only after passing of the Award. He also submits that the petitioner was not communicated with the Award. A reading of Section 64 of the Act goes to show that the application for reference can be filed after Award is passed.

Since the respondent authorities have now taken a decision to refer the matter to the competent Authority under Section 64 of the Act, after passing of the Award, this Court does not find any illegality or irregularity in the decision taken by the respondent authorities for referring the matter to the competent Authority under Section 64 of the Act.

In view of the same, recording the said submission of the learned counsel for the petitioner, this writ petition is disposed of directing the competent Judicial Authority to dispose of L.A.O.P.No.76 of 2019, which arises out of the reference, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order. The interim stay granted by this Court on 29.08.2018 shall continue till then. No order as to costs.

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

A. RAJASHEKER REDDY, J

05.12.2019.
Msr

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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