

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.42868 OF 2018

Date: 13.6.2019

Between:

E.Rajaiah

.. Petitioner

And

State of Telangana, rep. by its
Principal Secretary, Revenue Department,
Secretariat Buildings,
Hyderabad and others.

.. Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P.No.42868 OF 2018

ORDER:

This writ petition is filed questioning the action of the respondent authorities in not paying compensation of Rs.42,000/- along with interest @ 9% from the date of award till the date of payment in respect of the land to an extent of Ac.0.08 guntas in Survey No.556 situated at Chenjerla village, Manakondur mandal, which was acquired for the purpose of excavation of 3L minor of Mid Manair Reservoir right side main canal from KM 11.038 to KM 13.040 in the limits of Chenjerla village and also in not passing any award to the extent of Ac.0.03 guntas of land situated in the said village.

2. Petitioner claims to be owner of land admeasuring Ac.2-27 guntas in Sy.No.556/A/1/1 (old Sy.No.556) situated at Chenjerla village of Manakondur mandal, Karimnagar district. According to the petitioner, in the acquisition took place for excavation of 3L minor of Mid Manair Reservoir right side main canal from KM 11.038 to KM 13.040, land of the petitioner to an extent of Ac.0.11 guntas in Sy.No.556 was acquired and though award was passed in respect of Ac.0.08 guntas, determining compensation of Rs.42,000/-, the same was not paid, and in respect of Ac.0.03 guntas, neither award was passed nor compensation was paid to him.

3. The learned Government Pleader appearing for respondent, based on the parawise remarks of the Land Acquisition Officer, submits that as there are rival claims in respect of the subject

property, compensation amount was kept in revenue deposit and insofar as Ac.0.03 guntas is concerned, land acquisition proceedings are set in motion and matter is pending at the stage of award enquiry. According to the learned Government Pleader, process will be concluded within a period of two months.

4. The stand of the respondents that there are rival claims therefore, compensation amount was kept in revenue deposit is rejected. The Land Acquisition Officer is not competent to keep the compensation amount in revenue account. According to Section 30 of Land Acquisition Act, 1894, if there are rival claims, the District Collector was mandated to refer the dispute to the competent Civil Court.

5. Since the old Act has been repealed and as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, 2013, if there are rival claims, the amount has to be deposited with the Authority constituted under the Act by making a reference to the Authority under Section 64 of the new Act. It was illegal on the part of the authority in not referring the dispute to the Court/Authority and keeping the amount in revenue deposit. Therefore, the respondents are liable to pay interest for all this period.

6. Therefore, the 5th respondent-Land Acquisition Officer is directed to take immediate steps to refer the matter to the Authority under the new Act and deposit the amount before the Authority after adding interest at 8% from the date of award till the date of deposit subject to further orders of the Authority. The 5th respondent-Land

Acquisition Officer is further directed to finalise the acquisition proceedings for the remaining extent of Ac.0.03 guntas in Survey No.556 situated at Chenjerla village, Manakondur mandal, Karimnagar district within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is accordingly allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date: 13.6.2019
DA

P. NAVEEN RAO, J



THE HON'BLE SRI JUSTICE P. NAVEEN RAO



13.6.2019

DA