

THE HON'BLE SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.1046 OF 2020

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the respondents 1 to 5 as well as the learned Standing Counsel appearing for the respondents 6 & 7.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the accompanying affidavit, the Petitioner herein prays that this Hon’ble Court may be pleased to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents 2 to 6 in not considering the Objection petition of the petitioners dated 25-9-2019 with regard to issuing of cheques for payment of compensation in respect of total extent of Ac. 11-13 guntas situated in Sy.Nos. 481/UU, 481/A1, 481/RU, 481/EE, 481/RU, 481/AA, 481/LU/2, 481/LU/1, 481/E, 481/LU, 481/LU of Indaram village, Jaipur Mandal, Mancherial District (Old Adilabad district), is illegal, arbitrary, contrary to law and consequently direct the respondents 2 to 6 not to pay/disburse the compensation cheques to the respondents 8 to 16 in respect of the above mentioned landed property and pass such other order or orders as this Hon’ble court may deem fit and proper in the circumstances of the case.”

3. During the course of hearing, the learned Government Pleader appearing for the respondents 1 to 5 placed on record the brief note/instructions, dated 10.01.2020, in the present writ petition issued by the Revenue Divisional Officer, Mancherial.

4. From the perusal of the said note, it is revealed that after publication of Preliminary Notification, some interested persons

have filed claim/objection petitions. Therefore, the same were sent to the Tahsildar, Jaipur Village, for enquiry and report. The Tahsildar, Jaipur Village, after conducting enquiry, reported the facts to the Revenue Divisional Officer, Mancherial. Taking into consideration of the enquiry report submitted by the Tahsildar, Jaipur Village, the declaration under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'RFCTLARR Act') submitted to the District Collector, Mancherial, and got it approved *vide* Proceedings No.C2/1374/2019, dated 23.12.2019. It is also further stated in the note that negotiation meetings with all the pattedars have been conducted by issuing notice in Form-D for claim and settlement through negotiation committee *vide* the office Proceedings No.A/7035/2016 by fixing the dates on 29.10.2019, 19.11.2019 and 27.11.2019 and fix the market value of the lands coming under acquisition @ Rs.24,60,000/- per acre excluding the structure value and crops existing over the lands. It is further mentioned that as far as taking a clarification on subject issue, the respondents 1 to 5, will issue notices to the petitioners as well as the unofficial respondents at the time of disbursement of the amounts through cheques. If any irregularity is found, the matter will be referred to the Presiding Officer, LA R&R Authority, Hyderabad, along with connected papers under Section 64 of the RFCTLARR Act for taking further necessary action in the matter.

5. In view of the said specific instructions, this Court is of the opinion that the writ petition as filed is premature in nature and the same is liable to be closed.

6. Accordingly, the Writ Petition is closed. However, there is a direction to the respondents 1 to 5 that before disbursing the amounts to the beneficiaries, the respondents 1 to 5 are directed to issue notices to all the concerned and after considering the objections, pass appropriate orders.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

P.KESHAHA RAO, J

Date: 3rd February, 2020

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