
(1993) 04 AP CK 0043

In the Andhra Pradesh High Court

Case No : Writ Petition No. 2952 of 1989

Smt. Suram Ramakka

APPELLANT

Vs

The Dist. Collector, Karimnagar and another

RESPONDENT

Date of Decision : 06-04-1993

Acts Referred:

Land Acquisition Act, 1894 — Section 12(2), 18, 31

Citation : AIR 1994 AP 5 : (1993) 1 ALT 695

Hon'ble Judges : B. Subhashan Reddy, J

Bench : Single Bench

Advocate : Y. Rama Rao, for the Appellant; G.P. for L.A., for the Respondent

Judgement

B. Subhashan Reddy, J. 1. The relief sought for in this writ petition is to refer the matter to a competent Civil Court under S. 18 of the Land Acquisition Act, for determination of proper compensation. Admittedly, the Award was passed on 23-6-82 and S. 12(2) notice was also served by the said date order S. 18 application was filed on 16-8-1982 by the petitioner seeking a reference and the same is well within time as the same was filed within two months from the date of the service of S. 12(2) notice. The objection of the learned Government Pleader is that the amount was received otherwise than under protest. But, in paragraph 6 of the affidavit, it is stated categorically by the petitioner on oath that she had orally protested with regard to the quantum of compensation.

2. The petitioner is an illiterate land lady residing in a remote corner of the rural area and the law does not prescribe any particular mode of protest and such an oral protest is a valid protest under law. The assertion that oral protest is made by the petitioner is not controverted by respondents by filing any counter-affidavit. In the circumstances, I have to accept the contention. If that be so, the reference has got to be made.

3. Accordingly, the writ petition is allowed directing the 2nd respondent to refer the matter of the petitioner under S. 18 of the Land Acquisition Act pursuant to

her application filed under S. 18 of the Land Acquisition Act on 16-8-82. This exercise shall be made by the 2nd respondent within a period of two months from the date of the receipt of this order. No costs.

4. Petition allowed.