

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.34627 of 2011

ORDER:

This writ petition is filed seeking the following prayer:

“to issue a writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 1st respondent in referring the matter under Section 30 of the Land Acquisition Act for adjudication and payment of compensation in relation to 94.75 Sq.yards owned by the petitioner forming a part of premises No.

18-3-251 to 254, Kandikal Village, Bandlaguda Mandal, Hyderabad vide impugned proceedings Lr.No.A/1035/20071891, dated 10.11.2011 as illegal arbitrary and without jurisdiction and set aside the same and further direct the 1st respondent to pay the amounts to the petitioner”

The case of the petitioner is that he purchased an extent of 379.77 Sq.yards consisting of houses bearing Nos.18-3-251 to 18-3-254 located in Kandikal Village, Bandlaguda Mandal, Hyderabad, under a registered sale deed bearing Doc.No.1464/2008 dated 05.03.2008 from K.Rukkamma, represented by her registered GPA holder by name, G.Yadamma. Prior to that, the 1st respondent issued a notification under Section 4(1) of the Land Acquisition Act(for short ‘the Act’), for acquisition of 94.75 Sq.yards and notice under Section 5-A and Form-10 were issued in the name of vendor on 12.10.2007 and 21.04.2011, respectively. Meanwhile, the name of the petitioner was mutated in the records of the 2nd respondent-Greater Hyderabad Municipal Corporation and the petitioner is paying taxes. Though the 1st respondent-The special Deputy Collector, Land Acquisition aware that the petitioner’s name was mutated in the municipal records and

there is no dispute with regard to the title of the property, he referred the matter under Section 30 of the Act to the Court vide proceedings Lr.No.A/1035/2007/1891, dated 10.11.2011. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner, Sri P.Krishna Reddy, learned Standing Counsel appearing for respondents.

Learned counsel for the petitioner submits that the petitioner purchased the property, which is the subject matter of this writ petition, by virtue of registered sale deed from K.Rukkamma, represented by her registered GPA holder by name, V.Yadamma and name of the petitioner also mutated in the municipal records in the year 2001 and there were no rival claims. He further submits that though there is no dispute with regard to the title of the property, the 1st respondent referred the matter to the civil Court under Section 30 of the Act.

Learned Standing Counsel for respondents submits that the petitioner purchased the subject property from K.Rukkamma whereas the name of the occupier recorded in the municipal records is V.Yadamma, as such the 1st respondent referred the matter to the Civil Court.

No counter-affidavit is filed. But on instructions, it is stated that as on today no O.P. is registered under Section 30 of the Act. In this case, admittedly, the sale deed is executed by V.Yadamma as G.P.A. holder of K.Rukkamma and basing on the same, the name of the petitioner was mutated in the municipal records and he has been paying tax. Even though time was granted, the learned Standing Counsel did not place any material showing that there are any rival claims. In view of the same, it is not known how the matter was referred under Section 30 of the Act straight away.

Hence, the impugned proceedings are set aside. Since it is

stated in the impugned proceedings that the petitioner has not furnished any evidence to substantiate the ownership. It is open for the petitioner to place all the material before the 1st respondent regarding his ownership and if the 1st respondent is satisfied about the title, he can take appropriate action accordingly for payment of compensation to the petitioner, within a period of three months from the date of receipt of a copy of this order otherwise the matter can be referred to the civil Court.

Accordingly, this Writ Petition is allowed. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 06-08-2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No.34627 of 2011

Between:

Shanti Lal Jain
Petitioner

...

and

The Special Deputy Collector,
Land Acquisition and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?
Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No
3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? Yes/No
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