

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

WRIT PETITION NO. 37454 of 2013

Between:

Tatishetty Venkat Lalitha Bai W/o T Venkat Rao
R/o 3-4-226/2/3, Lingampally, Kacheguda,
Hyderabad and others

.... Petitioners

And

The Government of A P
Rep by its Secretary, Municipal Admn and Urban Devp
Secretariat, Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 25.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 37454 of 2013

ORAL ORDER:

This writ petition is filed seeking the following relief;

“.....writ of mandamus directing the respondent authorities to allot contiguous land of 1000 square yards to the petitioners for every acre of land acquired by the respondent no.3 vide proceedings No.G1/4238/2005 dated 23.8.2013 in terms of judgment dated 28.2.2011 passed in WP No.16650 of 2005 and batch of this Hon'ble Court and award dated 28.4.2013 passed in PLC NO. 64 of 2012 of Lok-Adalath of Ranga Reddy district at LB Nagar...”

2. Petitioners claim to be owners of land admeasuring Ac.2.30 guntas in Survey No.406; Ac.1.24 in Survey NO. 407; Ac.1.4 guntas in Survey No. 408; Ac.1.3 guntas in Survey Nos.407 & 408; Ac.2.29 guntas in Survey NO. 424 and Ac.0.19 guntas in Survey No. 425 totalling to Ac.9.29 guntas in Uppal-Bhagath village, Uppal mandal, Ranga Reddy district. In pursuance to the notification issued under Section 4 (1) of the Land Acquisition Act, private negotiations took place and petitioners agreed to part with their land on a commitment that respondents would allot 1000 sq yards of land for each acre of land acquired from them. Accordingly, in terms of the compromise recorded in Pre-Litigation Case No. 64 of 2012 before the Lok Adalath of Ranga Reddy District, an award to that effect was passed on 28.4.2012. Petitioners and others earlier filed W P No. 17005 of 2008 and batch challenging the notification issued under Section 4 (1) of the Act and those writ petitions were disposed of by order dated 28.2.2011 by which time settlement was reached. During the course of arguments in the above batch of writ petitions, petitioners also claimed that to the extent possible while allotting 1000 sq yards plots for each one acre, allotment should be made proportionately contiguously. Having regard to the said submission, this Court while disposing of the above writ petitions, observed that the claim of the petitioners for allotment of the contiguous plots, Hyderabad Urban Development Authority (for short HMDA) may not have any

objection.

As seen from the prayer extracted above, relief sought in this writ petition is implementation of the orders passed by this Court in batch of writ petitions dated 28.2.2011.

Counter affidavit is filed on behalf of respondents 3 and 4 deposited by Land Acquisition Officer. In para 9 of the affidavit, it is averred as under;

“9..... The HMDA is in the process of framing guidelines for an allotment policy wherein all the 640 and odd awardees are allotted plots in a fair and transparent manner without prejudice to anyone. As part of it, allotment via a process of lottery is being favoured as it ensures free and fair and transparent allotment without favouritism to any one. It is also to mention here that the guidelines being framed are done honouring the Hon’ble High Court instructions and ensuring that to the maximum extent possible allotments to members of families are done considering them as a single unit for lottery so that their plots are ensured contiguity to a maximum extent possible. The policy is yet to be finalized and shall be adopted after approval of the Government.”

As seen from the above extracted portion of the counter affidavit, even HMDA is in favour of providing plots on contiguous manner to the extent possible. However, HMDA intend to allot plots by following lottery method to ensure fairness in allotment and formulated detailed guidelines for this purpose. However, the matter is pending approval by the Government.

Having regard to the above submissions, writ petition is disposed of directing HMDA to take expeditious steps for allotment of plots as agreed upon as per the guidelines envisaged by HMDA and such allotment shall be made to the extent possible and wherever it is permissible allotment of the plots to be in contiguous manner subject to the guidelines framed. No costs.

Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 25.8.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 37454 of 2013

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