

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

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W.P.No. 6623 of 2015

Between:

D.V. Hanumanth Rao

... Petitioner

and

The State of Telangana and others

... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 30.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 6623 of 2015

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ORDER:

The petitioner in this writ petition questions the land acquisition proceedings in general and seeks a declaration that the said proceedings are unconstitutional and consequently set aside the award dated 23.12.2013.

The averments in the writ affidavit state that the petitioner received a notice dated 20.3.2013 from the 3rd respondent calling upon him to attend a meeting with relevant documents to discuss the road widening issue from Ravindra Bharathi to M.J. Market, Hyderabad and requesting him to give his consent. However, since the petitioner had not given any consent, acquisition proceedings were taken up by the 4th respondent and the petitioner received a notice under Section 5-A of the Land Acquisition Act, 1894 calling upon him to file his objections to the proposed acquisition. According to the petitioner himself, he did not file any objections to the said notice and subsequently a notice under Section 9 (3) and 10 of the Land Acquisition Act was served on the petitioner who, on 8.8.2013, submitted his objections. Thereafter the petitioner received a notice of award under Section 12 (2) of the Land Acquisition Act, dated 26.7.2014 informing him that an award was passed on 23.12.2013 with respect to the petitioner's property of 56.65 sq. yards. After notice in Form No. 10 dated 26.7.2014 was served on the petitioner, the present writ petition is filed wherein the petitioner specifically seeks grant of three months' time to vacate the premises.

On 17.3.2015 this Court passed an interim order directing status quo to be maintained which is continued from time to time and operates even now. The 3rd respondent has also filed counter-

affidavit.

Heard learned counsel for the parties including impleaded 4th respondent.

It is evident from the averments of the writ affidavit itself that the award was passed as early as on 23.12.2013 and after a long time the petitioner has filed the present writ petition challenging the land acquisition proceedings. It is noteworthy to mention that neither the notification under Section 4 (1) of the Land Acquisition Act nor the award is questioned in this writ petition, only a general relief is prayed for. However, in view of the decision of the Supreme Court reported in *Swaika Properties Pvt. Ltd. Vs. State of Rajasthan* the petitioner is not entitled to question the land acquisition proceedings after passing of the award. Even otherwise the petitioner never filed any objections under Section 5-A of the Land Acquisition Act, as such no grounds exist to grant the relief prayed for by the petitioner.

To the extent of request of the petitioner for grant of three months' time for vacating the premises as prayed for in the writ petition, more than the said period of three months, the petitioner has already availed almost 9 months on account of the interim order passed in this writ petition. Hence the interim order also does not deserve to be continued any further. However, the learned counsel for the petitioner seeks one month's time to vacate and handover the premises to the respondent No.3 or respondent No. 4. In the interest of justice, the petitioner is granted time till 20th December, 2015 to vacate and handover the premises to the respondent No.3 or respondent No.4, as the case may be.

The writ petition is accordingly dismissed along with miscellaneous applications, if any, subject to the time granted above. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 30.11.2015

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