

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.18726 of 2015

BETWEEN

Kolipaka Mondaiah and others.

... PETITIONERS

AND

The Special Deputy Collector – cum – Land Acquisition Officer, Chevella
Pranahita Project, Bellampalli 'X' Roads, Macheriyal, Adilabad District and
others.

...RESPONDENTS

Counsel for the Petitioners: MR. R.K. CHITTA

Counsel for the Respondents: GP FOR LAND ACQUISITION (TG)

The Court made the following:

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ORDER:

Petitioners, who claim that they are actual owners of land

admeasuring Ac.8.21 cents in Sy.No.112 of Kondpally village, Bejjur Mandal, Adilabad District, state that the acquisition of the aforesaid land was take for Dr. B.R. Ambedkar Pranahita Chevella Sujala Sravanthi Project and the first respondent was appointed as Land Acquisition Officer (LAO). Petitioners state that though they are owners and possessors for over 50 years under valid patta, the third respondent got his name entered in the revenue record behind the back of the petitioners and that is how the notifications under Sections 4(1) and 6 of the Land Acquisition Act (for short 'the Act') was published for acquisition of the aforesaid land in the name of the third respondent. Reference is made to draft declaration under Section 6 of the Act in proceedings No.D2/5390/2013-2 dated 28.12.2013. Petitioners state that because of insertion of the name of the third respondent they were not put to any notice and now the third respondent is likely to take the compensation to the detriment of the petitioners. Hence, at that stage, petitioner filed an application dated 05.01.2015 before the LAO requesting not to release the compensation payable for the acquired land to the third respondent by setting out in detail their claim. A legal notice also appears to have been given by the petitioners to the LAO. However, the present writ petition is filed seeking a Mandamus against the action of the first respondent in not disposing of the representation of the petitioner, as aforesaid.

2. I am unable to see any right in the petitioners to stop payment of compensation when, admittedly, the names of the petitioners are not appearing either in the notification under Section 4(1) or in the notification under Section 6 of the Act and the petitioners have not participated in the land acquisition proceedings.

3. Learned counsel for the petitioners states that the award also appears to have been passed without notice to the petitioners but the date and other details are not available with the petitioners.

4. Evidently, therefore, all the land acquisition proceedings and the award

having been passed, I am unable to see as to how the LAO can entertain the representation of the petitioners and to grant any relief to the petitioners. Secondly, when the petitioners claim absolute right and title with respect to the aforesaid land acquired, in the absence of their claim being reflected in any of the proceedings under the Act, the only remedy available to the petitioners is to approach a competent civil Court for necessary relief claiming declaration of their ownership and for consequential relief. The authorities under the Act cannot entertain any such representation of the petitioners so as to stop payment of compensation to a person, as named in the award.

The writ petition is dismissed, however, with a liberty to the petitioner to approach competent civil Court to take such other appropriate remedy, as advised. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

June 25, 2015
DSK