

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14376 of 2009

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in not paying the compensation for the acquired land of the petitioner to an extent of Ac.1.00 cents covered by Sy.No.347/1 of Venigandla village and not re-conveying unused land on par with other awardees as illegal and arbitrary and consequently to direct the respondents to pay compensation at present market value or to re-convey the unused acquired land.

Curiously, when the matter is taken up for hearing, in the counter affidavit filed by the respondents it is clearly admitted that the respondents have taken possession of the land and also constructed buildings therein. It is further averred that funds could not be made available and the award could not be passed and as there was urgency to take possession of the land, the Land Acquisition Officer issued the orders for taking possession of the land.

It is evident that even though possession of the land is taken way back in the year 1988, so far, the respondents have not passed any award. In this connection, it is appropriate to refer Section 24(1)(a) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act'), which reads thus:

"24. Land acquisition process under Land Acquisition Act, 1894 shall be deemed to have lapsed in certain cases:-

1. Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894 (1 of 1894),-
- b. where no award under Section 11 of the said Land

Acquisition Act has been made, then all provisions of this Act relating to the determination of compensation shall apply; or

- a. xxxxx"

In view of the above provision and in view of the judgment rendered by the

Apex Court in **Pune Municipal Corporation v. Harakchand Misirimal Solanki** (LAWS(SC)-2014-1-52), the respondents are directed to follow the procedure under Section 24(1) of the Act and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.24.02.2015

Tsr

