

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.3551 OF 2010

ORDER:

The petitioner states that he purchased an extent of 12 guntas and 76 yards of land in S.No.60 of Velgatoor village in Karimnagar District in the year 2005 for establishing Poultry Farm under Self Employment Scheme. Accordingly, he established a Poultry Farm. He came to know that the said land was acquired by the respondents by issuing a draft declaration under Section 6 of the Land Acquisition Act on 24-11-2009 for the purpose of providing house sites to the affected families under rehabilitation package. The enquiry under Section 5A of the Act was dispensed with and he states that if an appropriate opportunity was given to him, he would have stated the objections. He stated that he belongs to S.C. community and his entire family is depending upon his Poultry Farm business. He submitted a representation to the 1st respondent on 23-12-2009 seeking a direction not to acquire the land. He stated that an award was passed at the time of filing the writ petition and accordingly, he challenged the declaration published under Section 6 of the Act on 24-11-2009.

2. This Court, vide order, dated 18-02-2010 directed that status quo should be maintained with regard to possession, but respondents were given an opportunity to take all further steps in accordance with law.

3. Seeking vacation of the said order, WVMP No.223 of 2013 was filed along with counter-affidavit on 09-06-2012, wherein it is stated that an extent of Ac.27.10 cents of patta land including the small extent of petitioner's land ad-measuring 12 guntas in Sy.No.60 of Velgatoor village was proposed for acquisition for formation of Resettlement and rehabilitation of displaced families of Kotilingala village which is coming under submergence of Sripada Yallampalli Project. The said land is a compact block and the

petitioner's land is situated in the midst of the proposed land. Draft notification and draft declaration were published in November, 2009 and December, 2009 respectively.

4. Now the learned Government Pleader on the basis of instructions, submits that the petitioner did not come forward for consent award or attended the award enquiry in spite of notices. Hence, an award was passed under Section 11 (1) of the Land Acquisition Act. The petitioner was issued a notice on 21-06-2005 for claiming the compensation pursuant to the said award and it was acknowledged.

5. In view of passing of the award and in view of acquisition of larger extent of Ac.27.10 guntas, where 12 guntas of land of the petitioner is situated in the midst of the said land, no relief can be granted to the petitioner.

6. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 09-11-2016

Hsd

A.RAMALINGESWARA RAO, J