

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21749 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ more particularly one in the nature of mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the two houses situate in Sy.No.258, (Project No.166) Ladnapur Village, Mutharam (Manthani) Mandal, Karimnagar District, and trying to demolish the said houses without considering the representations made by the petitioner on 5-10-2015 and 6-01-2016 as being illegal, arbitrary and violative of Article 14 and contrary to the draft declaration under Section 6 of the Land Acquisition Act and consequently direct the respondents to pay compensation to the petitioner in respect of the said two houses, as per law and pass appropriate orders thereon in the interest of justice.

2. Learned counsel for the petitioner submitted that the petitioner is the absolute owner of the two houses in question and in the year 1984 the respondents have acquired the said house along with appurtenant land for mining operation of OCP-II expansion of SCCL Godavarikhani, but no compensation has been paid in respect of the two houses referred to above by the respondents, though estimated value

of those two houses was furnished to the respondents along with the representations and till today no orders have been passed.

3. Learned Government Pleader for Land Acquisition produced a copy of the parawise remarks received in the matter and submitted that the award in respect of the lands in Sy.No.258, Ladnapur Village, Mutharam (Manthani) Mandal, Karimnagar District, has been passed vide Award No.10/2015, dated 26-09-2015, but so far as the two houses in question are concerned, the said houses are un-authorised and uninhabitant structures and it was so notified vide Gazette No.18, dated 25-07-2013. It is also sated that the respondents are ready to pay the compensation amount in respect of Project No.166, for the lands situate in Sy.No.258, if the petitioner approaches with details of proof of identification.

4. Inasmuch as it is the case of the petitioner that he has submitted estimates in respect of the two house and also in view of the fact that those two houses also find place in the draft declarations, the 3rd respondent is directed to consider the representations dated 5-10-2015 and 6-1-2016 said to have been made by the petitioner and pass appropriate orders thereon, in accordance with law, after affording opportunity of being heard in the matter to him. Since petitioner's counsel represented that no ward is passed in respect of the land acquired, a copy of the Award No.10 of 2015 be furnished to

the petitioner. Till a decision is taken on the representations dated 5-10-2015 and 6-1-2016 made by the petitioner, the physical features of the above said two houses may not be changed, if they are already not taken possession and demolished. 6. With the above directions, the writ petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 11-07-2016
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