

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.30209 of 2016

ORDER:

Vide the present petition, the petitioner seeks Mandamus directing the respondents to set aside the Supplementary Award dated 27.3.2015 passed by the Deputy Collector (L.A.) GHMC, Hyderabad and consequently to direct the respondents to pass a fresh award in favour of the petitioner in terms of the First Schedule of the Act No.30 of 2013.

Learned counsel appearing on behalf of the petitioner submits that the District Collector (Land Acquisition) i.e., 2nd respondent, vide proceedings No.G2/2023/2007, dated 24.05.2007 and 25.05.2007 had issued notifications under Section 4(1) and Section 6 of the Land Acquisition Act 1894 (for short "the Act") for acquiring the land of the petitioner admeasuring 181.75 Sq.Yds., in Sy.No.193/4 situated at premises No.1-11-252/G, Sardar Patel Road, Secunderabad.

Aggrieved by the aforesaid notification, the petitioner has challenged the same by filing WP No.14915 of 2007 before this Court. This Court vide order dated 03.01.2014 allowed the said petition by setting aside the declaration issued by the Special Deputy Collector, Land Acquisition. Thereafter, the respondents notified for acquisition of the subject land under Section 6 of the Act vide Gazette notification No.58, dated 17.10.2014.

Learned counsel further submits that the respondents thereafter had issued a notice to the petitioner under Section 9(3) and Section 10 of the Act, on 20.10.2014. He further

submits that respondent No.4 had passed an award in file No.A/94/2007, dated 05.02.2015, contrary to the Act. Aggrieved by the said award, the petitioner preferred a writ petition before this Court vide WP No.4881 of 2015.

Vide order dated 04.03.2015, this Court was remanded the matter to respondent No.2 with a direction to consider and pass supplementary award in terms of the new Act 30 of 2013.

In pursuance of the orders passed by this Court, and in compliance of the direction thereof, the petitioner filed his detailed objections on 11.03.2015 to the notices dated 20.10.2014 and 13.11.2014 along with old documents including market value certificates.

Learned counsel further submits that the petitioner categorically requested respondent No.4 for an opportunity of a personal hearing. However, without affording an opportunity of personal hearing and without considering the market value certificates issued by the Sub-Registrar, showing the basic market value of the land as Rs.50,000/- per square yard, in utter and total disregard to the orders of this Court, respondent No.4 issued proceedings vide order dated 27.3.2015 awarding capricious compensation amount as per the First Schedule of the Act No.30 of 2013.

Learned counsel further submits the petitioner had received compensation amount under protest and made representations dated 04.04.2015 and 13.04.2015 requesting respondent No.4 to compute the compensation amount as per the market value and not on the whimsical sum of Rs.15,000/-

per Sq.Yd., which was awarded. However, till date there is no communication from the respondents.

Learned counsel appearing on behalf of the learned Advocate General, State of Telangana, submits that on the issue raised by the petitioner, he has a remedy available under Section 64 of the Act. However, the petitioner has not taken any steps. Whereas, the learned counsel for the petitioner submits that as per the information, there is no authority constituted under Section 51 of the Act. Therefore, there is no occasion to file the petition under Section 64 of the Act.

Learned counsel appearing on behalf of the Advocate General, does not dispute the same and has fairly conceded that, for the last more than one year, the authority is not constituted under Section 51 of the Act, and the said issue is pending active consideration with the Government.

As per my short experience, on this side, in this Court, almost four or five petitions come every day on this issue, and in all the petitions, the petitions are disposed of by directing the respondents to press the petitions filed under Section 64 of the Act, before the authority, to be constituted under Section 51 of the Act 30 of 2013 within a specified time. However, there is a limit of everything. The farmers or people of this State cannot be left in a large, where there is no remedy available under the law. As admitted by the learned counsel appearing on behalf of State of Telangana, for the last more than a year, there is no authority appointed under Section 51 of the Act. This shows that there is no concern about the poor farmers, whose land has been acquired, and compensation allegedly not properly awarded.

Therefore, I hereby direct the Government of Telangana to take steps and constitute the authority under Section 51 of the Act 30 of 2013, within four (04) weeks from the date of receipt of a copy of this order.

The petitioner is accordingly directed to file a petition/application before the Collector/Respondent No.2 under Section 64 of the Act 30 of 2013 and the said application shall be referred by respondent No.2 to the authority to be constituted under Section 51 of the Act 30 of 2013 within two (02) weeks from the date of its constitution.

With the above direction, this Writ Petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

It is needless to state that if the petitioner still aggrieved by the inaction of the Government, liberty is granted to him to approach this Court under proper petition.

JUSTICE SURESH KUMAR KAIT.

Date :07-09-2016

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