

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.10187 OF 2016

ORDER:

This Writ Petition is filed seeking to declare the action of respondents in not paying compensation to the petitioner for plot No.123 admeasuring Ac.0-9.91 guntas covered by Survey Nos.362, 373 and 374 situated at Mancherival Village, Rajendranagar Mandal, Ranga Reddy District, even though possession was taken in the year 2005, as illegal and arbitrary.

The case of the petitioner is that he is the owner of the subject land by virtue of sale deed bearing document No.635/1998, dated 11.02.1998, having purchased the same from Sri K. Narasimha Reddy, who has purchased the subject land from the original owner by name Mohd. Shariff Saheb by registered sale deed, dated 29.02.1996, and has planted 24 Teak trees apart from other trees, which have grown up. When he made an application for regularisation of the layout, the authorities returned the application on the ground that the State Government has issued notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short, 'the Act') on 23.02.2004 and declaration under Section 6 of the Act on 08.03.2004 for acquisition of the subject land along with other lands, but the declaration was set aside by this Court directing

the authorities to conduct enquiry under Section 5A of the Act. However, possession of the subject land was taken on 16.04.2005 by invoking the urgency clause under Section 17(1) of the Act. Thereafter, enquiry under Section 5A of the Act was conducted, but the Government did not publish declaration under Section 6 of the Act and in view of lapse of time and by operation of proviso to Section 6 of the Act, the entire land acquisition proceedings have lapsed. Subsequently, the State Government has issued fresh notification under Section 4 (1) of the Act, dated 19.01.2013, and G.O.Ms.No.280, Home (PS & C) Department, dated 12.12.2013. The said notifications were questioned by some of the land owners and interim directions were granted staying all further proceedings. The grievance of the petitioner is that though possession of the subject land was taken in the year 2005 and though he has not questioned the notification issued under Section 4 (1) of the Act and is ready to accept the compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the respondents are not paying the compensation to him in respect of the subject land. Hence, the present Writ Petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

Learned Government Pleader for Land Acquisition produced written instructions given to her by the Special Deputy Collector, Land Acquisition (Industries), Hyderabad, dated 29.03.2016, wherein it is stated that when land acquisition proceedings were initiated in the year 2004, the same were set aside by this Court in W.P.No.17618 of 2010 and batch, and thereafter, fresh notification under Section 4 (1) of the Act was issued in the year 2013 and aggrieved by the same, some of the land owners filed W.P.No.38610 of 2013 and batch, and this Court has granted interim stay of all further proceedings pursuant to the orders in G.O.Ms.No.280, dated 12.12.2013 and as such, further action could not be taken in the matter.

It is to be seen that the petitioner has specifically stated that he is not interested in challenging the land acquisition proceedings initiated in the year 2013, but he is only interested in payment of compensation to him in respect of the subject land. Learned counsel for the petitioner also submits that though the petitioner has filed objections to the notice issued under Section 5A of the Act, now he is interested only in payment of compensation.

In view of the above, as notification under Section 4

(1) of the Act was already issued, the respondent authorities shall continue the land acquisition proceedings in respect of the subject land belonging to the petitioner and after due enquiry, pay the compensation to the petitioner in accordance with law and the petitioner shall also make a representation to the authority concerned stating the above facts and on filing such representation, the competent authority shall take appropriate action.

With the above directions, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

REDDY, J
March 30, 2016
MD

A. RAJASHEKER