

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH

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W.P.No. 6456 of 2015

Between:

Smt. M. Tulja Bai and others

... Petitioner/s

and

The State of Telangana and others

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... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 28.1.2016

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1 | <u>Whether Reporters of Local newspapers may be allowed to see the Judgments?</u> | No |
| - | | |
| 2 | <u>Whether the copies of judgment may be marked to Law Reports/Journals</u> | No |
| - | | |
| 3 | <u>Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment?</u> | No |

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 6456 of 2015

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ORDER:

Heard learned counsel for the parties.

The petitioners claim compensation for the land acquired and already utilized by the Greater Hyderabad Municipal Corporation which was the subject matter of W.A.No. 1939 of 2013 and while disposing of the same writ appeal, a Division Bench of this Court on 13.12.2013 directed the District Collector to make appropriate enquiry on the points specified in the judgment. Accordingly the District Collector considered the request of the petitioners, examined the points as framed by the Division Bench and passed an order under proceedings No. B1/716/98, dated 9.9.2014, the operative portion of the said order is extracted below,

“In view of the Hon'ble High Court directions in W.A.No. 1939/2013 the enquiry was conducted to examine petitioners request dated 3.9.2004. Notices were issued to all concerned and the enquiry was concluded on

18.8.2014. Verified all the available records and examined the petitioners request dated 3.9.2004. At present road was laid down by GHMC in an extent of 0.07 guntas in Sy.No. 105 Malakpet (v), Amberpet (M) and the same extent was earlier notified under Section 4 (1) of LA Act 1984 in the name of Shivlal Singh s/o Ram Singh. Hence the Commissioner, GHMC is hereby directed to initiate the process of LA and to pay the compensation to the land in Sy.No. 105 extent 0.07 guntas after due scrutiny and measurement of actual area under due process of law in compliance to the Hon'ble High Court directions dated 13.12.2013 in WA No. 12939 of 2013."

In view of the directions in the aforesaid order, the 3rd respondent initiated the process for acquisition and payment of compensation. The petitioners made a representation dated 12.9.2014 before the 3rd respondent which is said to be pending. Alleging no action on the said representation, the present writ petition is filed.

It is evident from the order of the District Collector that on specific points framed by the Division Bench, the District Collector has already given his findings and thereafter the matter was referred to the 3rd respondent to take appropriate action as per the directions of the District Collector as extracted above. The petitioners state that

they lost the land and have been agitating the matter for payment of compensation for the last more than two decades.

Hence it is appropriate to direct the 3rd respondent to consider the petitioners' representation referred to above, take appropriate decision thereon in the light of the directions of the District Collector and communicate the same to the petitioners, preferably within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

Dt.28.1.2016
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VILAS V. AFZULPURKAR, J