

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.13248 of 2011

ORDER:

1. The petitioners claim that they are the owners of small extents of land situated in Pakabanda village, Khammam District. A notification under Section 4(1) of the Land Acquisition Act was published in the local newspaper on 25.04.1987 to acquire their lands for the purpose of laying a road for formation of 80 feet bypass road from Khanapuram haveli to Bonakal cross road and when no compensation was paid, the present writ petition was filed.

2. A counter-affidavit was filed on behalf of respondents 1 to 3 stating that land acquisition process was initiated for formation of 80 feet road from Indira Nagar colony to Pakabanda bazaar of Khammam Urban covering an extent of Ac.13.14 $\frac{1}{4}$ guntas during the year 1985. The D.N and D.D. notifications of acquisition were published on 06.03.1987 and 08.05.1987 respectively. The Revenue Divisional Officer, Khammam vide his letter dated 24.09.1988 submitted PV proposals to the District Collector, Khammam, to an extent of Ac.11.39 $\frac{1}{2}$ guntas and also addressed a letter to the Municipal Commissioner, Khammam on 12.12.1988 informing that during the inspection of alignment of lands under acquisition, it was observed that the alignment passes through fruit bearing trees and permanent structures like water storing houses, pucca houses, electric motor sheds and one poultry shed, which may increase the

value of acquisition proceedings. Though no reply was received, the 80 feet road was laid by the municipal authorities from Indiranagar to Pakabanda bazaar with changed alignment instead of original alignment. The land owners were not paid any compensation as no award was passed in respect of the said road. It is stated that the award could not be passed as no reply was given by the Municipal Commissioner, Khammam, regarding changing of alignment in the acquired land.

3. During the pendency of the writ petition, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) came into force with effect from 01.01.2014.

4. In the circumstances, respondents 2 to 4 are directed to take appropriate proceedings by issuing a notification under Section 4 (1) of the Land Acquisition Act afresh in accordance with the provisions of the Act 30 of 2013 and pay the compensation amount to the owners of the land affected by the 80 feet road by the 3rd respondent. The 4th respondent shall place a requisition to the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order by verifying the record clearly indicating the land affected by the said road, the owners whose names found place in the municipal record and the extent affected by such road. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

23-11-2016

Gsn

