

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.19042, 19877 & 20272 of 2008

ORDER

All these three writ petitions are disposed of by this common order as they relate to acquisition of land for the purpose of establishment of Industrial Development Area by the erstwhile APIIC.

W.P.No.19042 of 2008 was filed challenging the action of the respondents in purporting to acquire the land admeasuring Ac.4.10 guntas in Sy.No.10/A of Kucharam Village, Toopran Mandal, Medak District, belong to the petitioner pursuant to the notification dated 28.8.2007.

W.P.No.19877 of 2008 was filed challenging the acquisition of land in an extent of Ac.12.30 guntas in the same survey number, and in the same village, pursuant to the same notification and declaration.

W.P.No.20272 of 2008 was filed challenging acquisition of an extent of Ac.2-00 guntas in respect of the same survey number, same village and same notification.

In all these cases, this Court granted interim stay on 2.9.2008, 12.09.2008 & 18.9.2008 respectively. The said orders have been in operation till today. In the meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') came into operation with effect from 1.1.2014. In view of long lapse of time, this Court directed the learned Standing Counsel for

TSIIC Limited to file additional affidavit. Accordingly, Additional counter-affidavit is filed stating as under:

“It is to further submitted that, apart from the Government Land requisition was also filed for acquisition of adjoining patta land measuring Acs.59.27 in Sy.Nos.6 to 10, 15, 42, 83, 84, 86 & 87 of Kucharam Village, Toopran Mandal, Medak District on 30.09.2015 for establishment of Industrial Development Area. The DN & DD published for an extent of Acs.41.34 gts on 28.6.2007 & 25.7.2008 respectively. APIIC deposited amount Rs.4,47,400/- towards DN & DD publication charges to the Spl.Dy.Collector(Inds), Hyd Vide Ch.No.848080, dated 18.8.2009. Award could not be passed, as some of pattedars approached the Hon’ble High Court at the PV stage and obtained stay orders and in this instant case, the Hon’ble Court vide orders dated 18.09.2008 in WPMP No.26462 of 2008 in WP No.20272 of 2008 granted stay orders. TSIIC has not deposited the amount for compensation of the said land.

It is further submitted that, the Corporation developed Industrial park in the lands situated in Sy.Nos.6 to 10, 15, 42, 83, 84, 86 & 87 of Kucharam Village, Toopran Mandal, Medak District. Hence, the subject lands are needed by the Corporation for making a Compact block of Industrial Park. These lands are in close proximity to the existing Industrial Parks at Kucharam Village and Toopran Mandal, Medak District.”

As can be seen from the record, the Land Acquisition Officer should have passed an award within a period of two years from the date of publication, failing which, proceedings would lapse under Section 11-A of the Land Acquisition Act, 1894 (for short ‘the Act’). Section 24 (1) (A) of Act 30 of 2013 states that if no award was passed under Section 11 of the Act in respect of the proceedings initiated under the Act 1894, any of the provisions of new Act 30 of 2013 relating to determination of compensation, rehabilitation and resettlement shall apply. The effect of Section 11-A of Act 1894 and

Section 24 (1) (A) of Act 30 of 2013 came up for consideration before the Supreme Court in *Laxmi Devi v. State of Bihar*¹ & *Soorajmull Nagarmull v. State of Bihar and others*², wherein finding some inconsistency in reconciling the provisions, it has ultimately been held that the proceedings stood lapsed and hence the respondents were directed to initiate fresh acquisition proceedings or take any action in accordance with law, if possession was already taken. If possession was not taken, it was left open to the respondents to take appropriate proceedings, if they want to acquire the land.

In the circumstances, these three writ petitions are allowed holding that proceedings of the acquisition pursuant to the declaration made on 25.7.2008 stood lapsed. If the respondents want to acquire the land, they shall initiate fresh proceedings in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

16th November, 2016
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¹ (2015) 10 SCC 241

² (2015) 10 SCC 270

