

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

[Special Original Jurisdiction]

SATURDAY THE SEVENTEENTH DAY OF SEPTEMBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 31369 OF 2016

Between:

Lingam Rajaiah & Anr.

Petitioners

V/s.

The State of Telangana
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad & Ors.

Respondents



Counsel for the Petitioners:

Sri G. Madhusudhan Reddy-10204

Counsel for the Respondents:

GP for Land Acquisition [TG]
Sri J.Srinivas Rao
Standing Counsel for SCCL

The court made the following:

[order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITWRIT PETITION NO. 31369 OF 2016ORDER :

Vide the present writ petition, petitioners seek direction thereby directing the respondents not to interfere with their peaceful possession and enjoyment of the land in survey No. 183 to an extent of 2565 sq.yards situated at Budavarampet village, Mutharam [Manthani] Mandal, Karimnagar district without considering the objection petition dated 16/6/2012 and without paying compensation under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Notice issued. Learned Government for Land Acquisition [Telangana] accepts notice on behalf of Respondents 1 to 3 and Sri J.Sreenivas Rao for Respondent No.4.

3. Learned Government Pleader on instructions submits that the compensation amount awarded by Special Deputy Collector as per publication of DD, survey No.183 is a patta and dry land, admeasuring total extent of Acs:6-06 guntas, wherein the petitioners

names have not been published. The Singareni Collieries Company Limited has deposited the compensation amount as per the demand from Special Deputy Collector, the award amount was not disbursed so far by the Special Deputy Collector. Learned Government Pleader further submits that during the payment of compensation to the awardees the petitioners may be paid the compensation as per the eligibility and rules by the Special Deputy Collector only. The Singareni Collieries Company Limited has initiated action to settle this issue in Lok Adalat to enhance the compensation over and above awarded by Special Deputy Collector.

4. Learned standing counsel appearing on behalf of Respondent No.4 submits that the Singareni Collieries Company Limited has initiated action to settle the issue in Lok Adalat to enhance the compensation over and above awarded by Special Deputy Collector and to pay for which few applicants filed PLCs before District Legal Services Authority, Karimnagar, however, the same is pending. Accordingly steps are being taken before the

Member Secretary, Legal Services Authority, Karimnagar, for co-ordination to settle the issue in Lok Adalat.

5. Learned counsel appearing on behalf of petitioners submits that the petitioners have purchased the land in survey No. 183 vide registered sale deeds which are at page Nos. 34 to 49 with translated copy thereto annexed to the writ affidavit. For their claim, the petitioners made representation dated 16/6/2012, however, till date there is no communication to the petitioners as to what decision is taken by the respondents on the said representation.

6. He further submits that as stated by the learned standing counsel for Respondent No.4 that award has already been passed, the said awarded amount may not be disbursed without considering the representation/objections submitted by the petitioners.

7. At this stage, this Court is not having the benefit of the award whether the representation of the petitioners was considered or not. However, since the matter is pending before the District Legal Services Authority, Karimnagar and the compensation amount in

pursuance to award has not been disbursed, therefore, I hereby direct the respondents not to disburse the compensation amount without taking into consideration the representation dated 16/6/2012 and the registered sale deeds of the petitioners.

8. As claimed by the counsel for the petitioners on instructions that the petitioners are still in possession of the aforesaid land, therefore, their possession shall not be disturbed without deciding the representation/objection petition of the petitioners as noted above.

9. In view of the above direction, the writ petition is disposed of at the stage of admission. No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 31369 OF 2016



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