

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35201 of 2016

ORDER:

Heard Sri S.Bhooma Goud for petitioner and Assistant Government Pleader representing the office of learned Advocate General (State of Telangana) for respondents 1 to 5.

The petitioner prays for the following relief :-

“... to issue a Writ, Order or Direction more particularly one in the nature of Writ of "Mandamus" 1) declaring the action of the Respondent Nos. 1 to 5 in taking over the Petitioner's lands admeasuring 0.33 Gts in Sy. No. 73/ 1, Ac.2.15 Gts in Sy. No. 73/ 4 and Ac. 13.24 Gts in Sy. No.82 i.e., total land admeasuring Ac.16.32 Gts situated at Village: Sngaram, Mandal: Kondapaka, District: Siddipet from the Respondent Na. 6 to 9 and payments of consideration amount to the Respondents Nos. 6 to 9 is illegal, bad, arbitrary and contrary to GO MS No. 123, dated. 30-7-2015, 2) direct the Respondents No. 1 to 5 to follow the procedure under the Act 30 of 2013 and consequently direct the Respondent Nos. 1 to 5 not to pay the consideration amounts to the Respondents No. 6 to 9 in respect of lands admeasuring 0.33 Gts in Sy. No. 73/ 1, Ac.2.15 Gts in Sy. No. 73/4 and Ac. 13.24 Gts in Sy. No. 82 i.e., total land admeasuring Ac.16.32 Gts situated at Village: Sngaram, Mandal: Kondapaka, District: Siddipet, without considering the Petitioner's representation dated. 5-10-2016 ...”

Mr.V.Ravi Kiran Rao stoutly opposes the consideration of the writ prayer by contending that the very basis of petitioner's claim is totally doubtful and the petitioner cannot be said to have acquired any right on the documents on which he is relying upon, therefore, prays for dismissal of the writ petition.

By way of reply, Mr.S.Bheema Goud submits that the whole grievance of petitioner is that the 4th respondent is also presuming in

the matter and proceeding to pay compensation to respondents 6 to 9 and further the 4th respondent is under obligation to enquire into the representation dated 05-10-2016, give opportunity to petitioner and respondents 6 to 9 to prove their claims for receiving compensation and in the wisdom of 4th respondent, as the acquisition is done under G.O.Ms.No.123, and subject to other legal obligations, he can pay compensation. Whoever is aggrieved, they can certainly work out remedies within the four corners of law.

I have merely placed the submissions on record for the limited purpose of stating that it is for the 4th respondent/ primary authority to take a decision on the issue of payment of compensation for acquiring the petition land either to petitioner or respondents 6 to 9. Therefore, the 4th respondent considers the case of petitioner as well as respondents 6 to 9, affords opportunity and decides the same. It is made clear that the decision of 4th respondent is subject to the legal remedy to an aggrieved party in this behalf.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 21-11-2016
Prv

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