

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

[Special Original Jurisdiction]

MONDAY THE TWENTYSIXTH DAY OF SEPTEMBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 32517 OF 2016

Between:

Marsakattala Cittemma & Ors. ... Petitioners

V/s.

State of Telangana
Rep. by its Prl. Secretary
Revenue [LA], Department
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: M/s. Bharadwaj Associates

Counsel for the Respondents: GP for Land Acquisition [TG]
Sri J. Srinivasa Rao
SC for Singareni Collieries

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITWRIT PETITION NO. 32517 OF 2016ORDER :

This writ petition is filed by the petitioners seeking mandamus to declare the land acquisition award passed by the sixth respondent in Proceedings Rc.No.C-1/965/2013, dated 24/9/2015 and also Memo dated 12/9/2016 of the second respondent as violative of the provisions contained in Section 26 and Schedule I of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently to set aside the same and to direct the respondents to pass the award in terms of the provisions of the Act after giving notice and opportunity of hearing to the petitioners and other house site owners and also allow the benefits of compensation, rehabilitation and resettlement to the petitioners before they are evacuated from the land in question for the purpose of facilitating the seventh respondent to carry on the coal mining operations and to

grant such other reliefs as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition [Telangana] takes notice for respondents 1 to 5 and Sri J.Srinivasa Rao, learned Standing Counsel for respondents 6 to 8.

3. Since the award has been passed and the compensation amount is determined at a low rate, as stated in the writ affidavit. Therefore, instead of filing the present writ petition, the petitioners ought to have filed a petition under section 64 of the Act 30 of 2013.

4. In view of the above, I find no merit in the writ petition and the same is accordingly dismissed at the admission stage. However, liberty is granted to the petitioners to take steps as per law. No costs.

5. 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

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