

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20039 OF 2002

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents without issuing Notification under the Land Acquisition Act, 1894 (in short "the Act") to the petitioner's land over an extent of Ac.0-21 guntas, situated in Sy.No.99 of Hafizpet Village, Serlingampalli Mandal, R.R. District, in pursuance of the proceedings of the 2nd respondent dated 30.01.1987, as illegal, arbitrary and violation of Articles 14, 21 and 300-A of Constitution of India.

2) A counter affidavit has been filed by the Revenue Divisional Officer, Chevalla Division, Rangareddy District on 14.06.2010.

3) In the counter affidavit it has been categorically asserted that on earlier occasion the land acquisition proceedings were initiated with respect to Sy.Nos.82, 83, 85, 87, 99, 113 and 114 of Hafizpet village. However, the said Land Acquisition proceedings were not concluded on account of the fact that the Award could not be made within time and in that process the Land Acquisition proceedings have been lapsed. Thereafter, the 3rd respondent requisition department had entertained a doubt with respect to the lands being surplus land under the Urban Land Ceiling Act. In that context clarifications were sought from the authorities. In the counter affidavit it was also stated that except two persons none of the others, who had claimed right over the property, had responded in response to the notice issued by the authorities on 13.02.1986, particularly, in relation to whether any declarations have been filed in terms of the Urban Land Ceiling Act.

4) Heard Sri T.Jithender Reddy, learned counsel for the petitioner, Sri T.Sudhakar Reddy, learned standing counsel for the 3rd respondent-HMWSSB.

5) Learned Government Pleader for 2nd respondent submits that there is no material placed by the petitioner with respect to his ownership particulars.

6) Having perused the record, except stating that petitioner is pattadar and possessor of land in Sy.No.99 and narrating the proceedings issued under the Act, there is no material placed before this Court about the method and manner in which the petitioner is connected with the subject land. The petitioner's name does not figure anywhere in the Notification issued in April, 1983. Admittedly, the acquisition proceedings, which were initiated in 1983, have been lapsed. Petitioner asserts that possession has been taken over as far back as in 1983 and the present writ petition came to be filed in the year 2002. There is no explanation, whatsoever, in the writ petition for the inordinate delay in approaching the Court. Apart from that no material has been placed before the Court with respect to the right, ownership and title of the petitioner over the land an extent of Ac.0-21 guntas, situated in Sy.No.99 of Hafizpet village of Serlingampally Mandal, Rangareddy District. In the circumstances, there cannot be any direction, as sought, from this court, to the respondents.

7) Accordingly, the Writ Petition is dismissed. However, it is made clear that if the petitioner has any right over the property and if the petitioner's property has been taken possession as asserted by him, he shall be at liberty to approach the appropriate civil court seeking for compensation by establishing his right. In that process, the petitioner also may claim the benefit of Section 14 of the Act. No order as to costs.

8) Consequently, the Miscellaneous Petitions, if any pending, shall also stand dismissed.

CHALLA KODANDA RAM, J

Date:21.06.2017.
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