

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26292 OF 2005

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the action of the respondents, *vide* proceedings dated 22.09.2004, in acquiring the land belonging to the petitioners in an extent of Ac.0.5 guntas situated in Survey No. 1241 of Panagal Village, Nalgonda Mandal and District for the purpose of laying bypass road without paying compensation, as illegal and arbitrary.

The grievance of the petitioners is that their father was assigned land over an extent of Acs.4.35 guntas in Survey No. 1241 of Panagal Village, on payment of market value. After the death of their father, the petitioners inherited the said property. It is their specific contention that the assignment was evident from Faisalpatti. According to the petitioners, when part of the above said land was acquired in 2013, they were paid compensation under the Land Acquisition Act, 1894. Now the Executive Engineer (R&B), S.H.P.II Division, acquired Ac.0.5 guntas of land which was admittedly in possession of the petitioners. When they approached the respondents for payment of compensation, the same was denied on the ground that the land was an assigned land and the same has been resumed on payment of *ex-gratia*, in terms of G.O.Ms. No. 1307, Revenue (Assignment) Department, dated 23.12.1993.

Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

The fact that the land was assigned in favour of the father of the petitioners is not in dispute, as is evident from the proceedings

of the respondents supposing to pay *ex-gratia* in terms of G.O.Ms.No. 1307, dated 23.12.1993. In the impugned proceedings, reliance has been placed on the judgment of the Full Bench of this Court in 1996(2) ALD 1215 to justify that only *ex-gratia* is payable but not the compensation according to the market value. However, it may be noted that now the issue was settled by the five-judge Bench of this Court in ***Land Acquisition Officer v. Mekala Pandu***¹, wherein it has been held that even with respect to the assigned lands, compensation as per the market value has to be paid with interest at 6% per annum. Inasmuch as the land was acquired in 2004, an effort shall be made to arrive at an amicable compensation payable keeping in view the market value at the relevant point of time through mutual negotiations. In the event no consensus can be arrived with respect to the market value payable as on 2004, the respondent authority shall initiate land acquisition proceedings. The entire exercise shall be completed within four months from the date of receipt of a copy of this order.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

13th June 2017

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¹ 2004(2) ALD 451