

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23988 of 2012

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to direct the respondents to allot alternative plot to the person interested (owner)/victim or to pay compensation along with interest for the acquired land in Survey No.438, Plot No.5, admeasuring 200.00 square yards in Koheda Village, Hayat Nagar Mandal, Ranga Reddy District, under ORR Project.

2. The case of the petitioner is that the petitioner purchased the land in Plot No.5 in Survey No.438, admeasuring 200 square yards, situated at Koheda Village and Gram Panchayat, Hayathnagar Revenue Mandal, Ranga Reddy District, registered at the Sub-District Registrar's Office, Pedda Amberpet; that the petitioner got issued a legal notice, dated 27.06.2009, to the District Collector, Hayathnagar Mandal, Ranga Reddy District, to know whether the said plot has been acquired in the outer ring road project and that on 26.08.2009, the petitioner has received reply memo from the Office of the Special Deputy Collector, Land Acquisition, Unit-III, ORR HMDA, Tarnaka, Hyderabad, asking the petitioner to furnish Sale Deed and layout copies and that the petitioner received another reply memo, dated 17.09.2009, stating that the said plot of the petitioner is coming under alignment and that as per G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2006, the plot loser is eligible for payment of compensation @ Rs.900/- per square yard or 100.00 square yards of HUDA developed plot at Koheda Village. On

24.12.2009, the petitioner submitted a representation by enclosing all the relevant documents in the Office of HMDA Tarnaka, Hyderabad, seeking alternative plot in the place of the acquired land of the petitioner, but since then, no award has been passed by the Special Deputy Collector, Land Acquisition.

3. The main grievance of the petitioner is that though the respondent authorities have acquired the subject plot of the petitioner, till now the respondent authorities have not paid any compensation to the petitioner nor given any alternative plot in the place of acquired plot.

4. The 1st respondent filed counter affidavit stating that as per the draft notification and draft declaration, the land in Survey No.438, admeasuring to an extent of Ac. 8.33 guntas, situated at Koheda Village, Hayathnagar Mandal, Ranga Reddy District, is notified as agriculture land and after publication of draft declaration, a general notice under Sections 9(1) and 10 of the Land Acquisition Act was published at the prominent places of the locality inviting the land owners and interested persons to file their claims showing their interest and title over the lands under acquisition and that some of the plot losers have submitted their consent as per G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2006, along with registered documents of plots for payment of compensation @ Rs.900/- per square yard or alternative land, for which the payment was made to the plot losers upto the year 2009 by treating as plotted area to an extent of 3464 square yards, equivalent to Ac. 0.28 ½ guntas and later it was pointed out to the Land Acquisition Officer that once award was passed treating the land as agriculture land, compensation cannot

be paid treating the land as plots and hence, no further payments are made. It is further submitted that as per the G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2006, the agriculture land losers are eligible @ Rs.8,52,000/- per acre at Koheda Village for passing of consent award and that if the petitioner is willing to accept package as per G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2006, Agriculture land package, then the petitioner can file consent affidavit and payment will be given to her as per that package and prayed that the writ petition is liable to be dismissed.

5. The petitioner filed a reply affidavit to the counter stating that the petitioner is no way concerned to the award passed by the Special Deputy Collector, dated 06.05.2008, as she is not beneficiary nor her name had been mentioned anywhere in the revised list after enjoyment survey conducted by the 1st respondent and the petitioner prayed this Court to direct the respondents to allot an alternative plot to the petitioner.

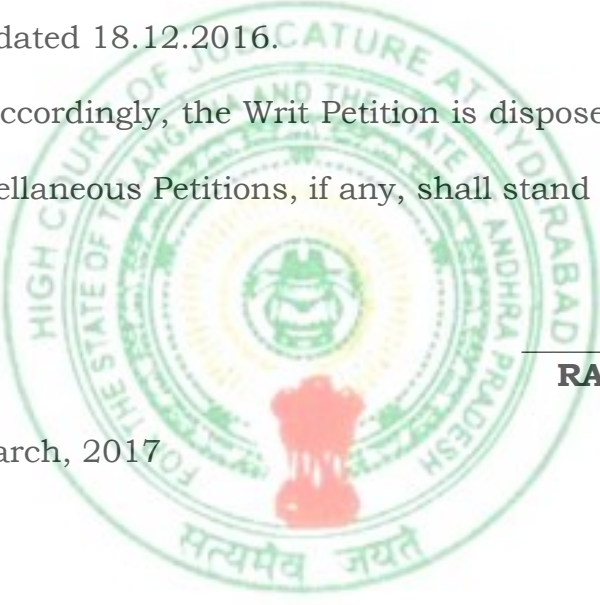
6. Learned counsel for the petitioner submitted that earlier the petitioner has already submitted a representation, dated 24.12.2009, by enclosing all the relevant documents in the Office of HMDA Tarnaka, Hyderabad, seeking alternative plot in the place of the acquired land of the petitioner, but since then, no award has been passed by the Special Deputy Collector, Land Acquisition.

7. Admittedly, it is evident from the counter affidavit of the 1st respondent that the 1st respondent is willing to pay the compensation as per G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2006, if the petitioner is able to substantiate her claim that the land belongs to her.

8. Having regard to the facts and circumstances of the case and the submission of the learned counsel for the petitioner, the writ petition is disposed of with the following direction:

9. The petitioner is directed to make a representation to the 1st respondent along with relevant records to substantiate her claim that the land which was acquired by the respondents belongs to the petitioner herein. On receipt of such representation, the 1st respondent, after verification of the documents submitted by the petitioner, is directed to pay compensation to the petitioner as per G.O.Ms.No.14, Infrastructure & Investment (IID-2) Department, dated 18.12.2016.

10. Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.



RAJA ELANGO, J

Date: 14th March, 2017

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