

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.41418 of 2017

% Date: 07-12-2017

Smt. Sumantha Devi, W/o G.Arjun Reddy, Aged 50 years,
Occ: Housewife, R/o H.No.2-1-69/8/1,
Laxma Reddy Colony, Uppal, R.R. District

... Petitioner

Vs.

\$ 1. Smt. Laxmi Narsamma, W/o Late B.Sathi Reddy,
Aged 59 years, Occ: Household, R/o H.No.2-9-63,
Bharath Nagar, Uppal Village, R.R. District

2. B.Sadanand Reddy, W/o B.Sathi Reddy,
Occ: Agriculture, R/o H.No.2-9-63,
Bharath Nagar, Uppal Village, R.R. District

3. B.Shekar Reddy, S/o B.Sathi Reddy,
Occ: Agriculture, R/o H.No.2-9-63,
Bharath Nagar, Uppal Village, R.R. District

4. B.Sripal Reddy, S/o B.Sathi Reddy,
Occ: Agriculture, R/o H.No.2-9-63,
Bharath Nagar, Uppal Village, R.R. District

5. The LAO, HMDA, (Musi River Conservation &
River Front Development) Hyderabad

6. State of Telangana, Rep. by its Prl. Secretary,
Revenue (LA) Dept., Secretariat, Hyderabad

... Respondents

! Counsel for Petitioner: Mr. V.Manoj Kumar

Counsel for Respondents 1to4: ---

Counsel for Respondent No.5: Mr. Y.Rama Rao

Counsel for Respondent No.6: Government Pleader for
Land Acquisition (Telangana)

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> Head Note:

? Cases referred:

Nil.

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Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition challenging an award passed by the Lok Adalat, settling a dispute between the respondents 1 to 4 herein and the 5th respondent herein.

2. Heard Mr. V.Manoj Kumar, learned counsel for the petitioner. Mr. Y.Rama Rao, learned counsel, takes notice for the Hyderabad Metropolitan Development Authority.

3. It appears that the land of an extent of Ac.0.03 guntas in Survey No.305 in Uppal Bhagat, Ranga Reddy District, originally owned by one Mr. B.Sathi Reddy, was acquired by the Government for the purpose of formation of the Outer Ring Road, for the benefit of the Hyderabad Metropolitan Development Authority. The land owner Sathi Reddy, did not take the compensation in cash. He demanded a land of the same value equivalent to the compensation and eventually the Government accorded approval under G.O.Ms.No.36, dated 22-01-2011, for the allotment of 1,000 square yards to the land owner in a developed area.

4. Contending that the allotment actually did not fructify, the land owner B.Sathi Reddy went before the Lok Adalat. Before the Lok Adalat, the Land Acquisition Officer, Hyderabad Metropolitan Development Authority and the land

owner Sathi Reddy entered into a compromise. Under the compromise, the land owner agreed not to seek enhancement of compensation under Section 18 of the Land Acquisition Act, 1894 as a *quid pro quo* for the allotment of developed land of an extent of 1,000 sq. yards in accordance with G.O.Ms.No.36, dated 22-01-2011. Accordingly, the Lok Adalat Passed an award on 14-3-2015.

5. It appears that thereafter the land owner Sathi Reddy died leaving behind him surviving the respondents 1 to 4 herein as his legal heirs.

6. Upon coming to know of the Lok Adalat award, the petitioner herein who claims to be an agreement holder for the purchase of the very same land acquired by the Government, under an agreement dated 29-12-2013, has come up with the above writ petition challenging the Lok Adalat award, on the ground that the Lok Adalat award was brought forth by fraud and misrepresentation.

7. Even according to the petitioner, she entered into an agreement only on 29-12-2013 with the original land owner Sathi Reddy for the purchase of the land of an extent of Ac.0.10 guntas in Survey No.305. But on the date on which the petitioner entered into an agreement, Sathi Reddy did not continue to be the owner of the property. The Lok Adalat award discloses that the proceedings for acquisition were completed and they also attained finality, much before 2011. In fact, the land owner refused to take compensation in cash

leading to the Hyderabad Metropolitan Development Authority offering to allot 1,000 sq. yards of land in a developed area, by their proceedings in LA/366/2005, dated 20-4-2007. The offer of the Hyderabad Metropolitan Development Authority made in 2007 was accepted by the land owner and the Government issued approval under G.O.Ms.No.36, dated 22-01-2011. Therefore, it is clear that the award under Section 11 of the Land Acquisition Act, 1894 had been passed long before the petitioner entered into an agreement of sale with the land owner. Once an award has been passed, the land vests with the Government and the land owner did not have any title to pass on to the petitioner under the agreement of sale dated 29-12-2013.

8. Therefore, the petitioner can work out her remedies only as against the land owner or his legal heirs and the petitioner cannot find fault with the Hyderabad Metropolitan Development Authority and seek to set aside the award of the Lok Adalat. Therefore, the writ petition is dismissed, leaving it open to the petitioner to proceed against the land owner or his legal heirs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

07th December, 2017.
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(per VRS, J.)



07th December, 2017.
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