

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.1803 OF 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the ad-interim order passed by the Learned Single Judge in W.P.M.P. No.45979 of 2017 in W.P. No.36732 of 2017 dated 06.11.2017. The respondents in this Writ Petition have preferred this appeal against the aforesaid interim order.

Respondents 1 to 25 herein filed W.P. No.36732 of 2017 seeking a mandamus to direct the appellants herein to pay compensation on par with the patta land owners by declaring the action of the respondents, in resuming their lands in Sy. Nos.417, 425, 423 and 372 of Divitipally village, H/o Yedira village, Mahabubnagar Mandal & District by order dated 22.12.2010, as illegal, void and contrary to Articles 14 and 300-A of the Constitution of India.

It is only if, and after, the action of the appellants herein, in resuming the subject lands by proceedings dated 22.10.2010, is declared to be illegal would the respondents herein be entitled thereafter to seek a direction that the appellants pay them compensation on par with the patta land owners. The question whether resumption of the subject lands, nearly seven years ago on 22.12.2010, is illegal, void and contrary to Articles 14 and 300-A of the Constitution of India is a matter which necessitates examination in the Writ Petition.

Learned Advocate General would point out that, in the earlier round of litigation, the respondents herein had filed W.P. No.24982 of 2016 seeking a direction to the appellants herein not to dispossess

them from the subject lands; the Learned Single Judge, in his order dated 08.08.2016, had noted the submission urged by the Learned Government Pleader for Revenue, on instructions, that the subject lands were resumed from the respondent-writ petitioners as long back as in the year 2010 itself; and resumption orders were passed vide proceedings dated 22.12.2010. While directing the appellants herein to furnish copies of the resumption order, the Learned Single Judge had left it open to them to avail appropriate remedies. After copies of the orders of resumption was made available to them, the petitioners again invoked the jurisdiction of this Court, resulting in the interim order under appeal being passed.

It is evident, even from the prayer in the Writ Petition, that the respondent-writ petitioners lands have already been resumed by the appellants on 22.12.2010 itself. The interim order of *status quo* travels beyond the relief sought for in the main Writ Petition, which is to pay the respondents-writ petitioners compensation on par with the land owners, in case the resumption is held to be illegal.

Learned Advocate General would submit that the interim order of *status quo*, passed by the Learned Single Judge, has brought construction, being undertaken in the subject land for the past fifteen months, to a complete stand still. As the relief sought for by the petitioners is only for payment of compensation on par with the land owners, suffice it to make it clear that, in case the Writ Petition is allowed later, the appellants would, despite having resumed the land, be liable to pay compensation to the petitioners in terms of the law declared by the larger bench of this Court in **Land Acquisition Officer-cum-RDO v. Mekala Pandu**¹. The question whether or not resumption of land by the appellants is illegal, or whether it is valid,

¹ AIR 2004 AP 250 = 2004 (2) ALD 451

are again matters which are required to be examined in the Writ Petition.

Sri B. Nagarjuna Reddy, Learned Counsel for the respondent-writ petitioners, would request us to direct the Learned Single Judge to take up the Writ Petitions early, contending that the petitioners have been illegally deprived, of the compensation to which they are entitled to, for the past seven years. Learned Advocate General would submit that a counter-affidavit would be filed, in the Writ Petition, within three weeks from today; and the Learned Single Judge may be directed to take up the Writ Petition for hearing any day after three weeks.

The order under appeal is set aside, and the WPMP is restored to file. It is open either to Sri B. Nagarjuna Reddy, Learned Counsel for the respondents-writ petitioners, or to the Learned Government Pleader for Revenue, to request the Learned Single Judge to take up either the WPMP, or the Writ Petition itself, for hearing any day after three weeks from today.

The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

Date: 28.11.2017

MRKR