

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24382 OF 2006

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the 3rd respondent to pass an Award with regard to rent or damages from 29.09.1982 to 15.12.2004 for the lands of the petitioners covered by Award No.1 of 2006, dated 31.01.2006.

Heard Sri EVVS Ravi Kumar, learned counsel appearing for the petitioners, learned Government Pleader for Land Acquisition and learned Government Pleader for Industries and Commerce.

It is the case of the petitioners that they are the owners of various extents of lands. The respondents issued notification under Section 4 (1) of the Land Acquisition Act (for short 'the Act') to acquire those lands for establishing Visakhapatnam Steel Plant and possession was taken from the petitioners on 29.09.1982 by invoking the urgency clause under Section 17(4) of the Act and by dispensing with the enquiry under Section 5-A of the Act. After various rounds of litigation, an Award was passed on 31.1.2006. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that from the date of taking over possession from the petitioners, they are entitled to rent and damages from 29.09.1982 to 15.12.2004 and the respondents, without following due procedure, had taken possession. In support of his submission, learned counsel placed reliance on the judgment of the Apex Court in *Tahera Khatoon & Ors. vs. Revenue Divisional Officer/Land Acquisition Officer & Ors*¹.

Learned Government Pleader contends that this issue was never raised by the petitioners before the authorities concerned.

Having considered the rival submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, this Court is of the considered view that since the issue was never raised before the respondent authorities seeking rent or damages from 29.9.1982 to 15.12.2004, the petitioners are at liberty to submit a representation to the respondents claiming rent or damages for the said period as the petitioners were illegally dispossessed from their properties.

Accordingly, the Writ Petition is disposed of directing the petitioners to submit a detailed representation to the

¹ (2014) 13 SCC 613

respondents claiming rent or damages from 29.09.1982 to 15.12.2004, and upon such representation being received, the respondents shall consider the same and pass appropriate orders within eight weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th April, 2018
rkk

