

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.699 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, declaring the action of the respondents in high handedly occupying the land of the petitioners admeasuring Ac.1-10 guntas in Sy No 2111 situated at Nizamabad-3 Shivar, Nizamabad without initiating the land acquisition proceedings without paying any compensation or allotting the land equal extent having equal value of the land even after receiving the legal notices dated 03-02-2015 and 05-05-2015 and even after letter addressed by the respondent No 2 to the respondents no 3 and 4 to take necessary steps in this regard and not taking any steps is nothing but arbitrary illegal null and void and violative of principles of natural justice and also violative of Articles 14 19 21 and 300-A of the Constitution of India and also violation of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013, and consequently direct the respondents to initiate land acquisition proceedings and pay compensation or in the alternate allot equal extent of the land taken away from the petitioners an extent of Ac.1-10 guntas in Sy.No.2111 situated at Nizamabad-3 Shivar, Nizamabad and considering the notices dated 03-02-2015 and 05-05-2015 and basing upon the letter addressed by the respondent no 2 dated 05-02-2015.

It is the case, that the father of the petitioners was the absolute owner, possessor and pattedar of total extent of land admeasuring Ac.1-10 gts in Sy.No.2111 situated at Nizamabad-3 Shivar, Nizamabad and the petitioners have succeeded the said property from his father. After the petitioners inherited the property, necessary entries were made in the revenue records, pattedar passbooks and title deeds on an application made these petitioners.

While the matter stood thus, the respondents with an intention to construct houses under the housing scheme of 'Rajiv Gruha Kalpana' in the said property, acquired the land from the petitioners, without following due process of law and without initiating proceedings under Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 and without paying compensation.

Representations dated 03-02-2015 and 05-05-2015 was submitted by these petitioners to take appropriate steps to initiate proceedings to acquire the land. But, the respondents did not initiate the proceedings for acquisition of the land and dispossessed the petitioners from the property, such act is illegal and arbitrary, thereby requested to grant relief as stated above.

Learned Government Pleader for Revenue (Telangana) contended that, the respondents are ready to initiate proceedings, if necessary, subject to proof of ownership of these petitioners to the land in dispute.

In view of the submission made by the learned Government Pleader for Revenue, having considered the facts and

circumstances of the case, respondents 2 to 4 are directed not to proceed with constructions till acquiring the land in an extent of land admeasuring Ac.1-10 gts in Sy.No.2111 situated at Nizamabad-3 Shivar, Nizamabad, under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013. The respondents are entitled to proceed with constructions after payment of compensation as per the provisions of Act.

With the above direction, the writ petition is disposed of.

Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

Date:25.04.2018

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JUSTICE M. SATYANARAYANA MURTHY

