

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2475 of 2018

ORDER :

The petitioner claims that he is the absolute owner and possessor of Ac.0.29 guntas of land in Survey No. 336/A situated at Vadluru Begumpet Village, Bejjanki Mandal, Siddipet District. His case is that out of the said land, the respondent authorities have acquired Ac.0.17 guntas, wherein two poultry sheds were erected by investing about Rs. 40 lacs in 2010 itself. It is the further case of the petitioner that thereafter, he stopped the poultry business and the sheds are being put to use to shelter the buffaloes. According to him, he would be entitled to be paid the compensation with respect to the land as well as the structures thereon. The petitioner apprehends that the respondent authorities may not consider the issue of awarding compensation with respect to the structures. He complains that severed bit of land would be of no use to him and therefore, claims that the remaining extent should also be acquired by the respondents.

Heard learned counsel for the petitioner.

Learned Government Pleader for Revenue (Telangana) submits that as on date, no Award is made with regard to the subject acquisition proceedings. However, the objections, if any and the apprehension of the petitioner will be addressed and considered at the time of passing the Award as per the rules prevalent, assures the learned Government Pleader.

No doubt, it is a settled principle of law that the person, whose land was acquired, is entitled to the market value of the land as well as the structures standing thereon, in accordance

with the prevailing rules. In the instant case, as the respondents have acquired only a part of the land of the petitioner, they are under obligation to consider payment of severance compensation on account of the fact that the severed land cannot be put to effective use.

Be that as it may, since the learned Government Pleader assures that the objections, if any of the petitioner will be considered at the time of passing the Award, as per the relevant provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Writ Petition is disposed of. It is made clear that the respondents shall keep in view all these aspects while passing the Award. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

31st January 2018

ksld

CHALLA KODANDA RAM, J