

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11986 of 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in laying a road across the land of the petitioner bearing Sy.Nos.199 and 200 to an extent of Ac.2.26 guntas situated at Mahabubabad Village, and Mandal, Warangal District, without initiating proceedings under the Land Acquisition Act, 1894 (for short 'the Act') and without paying any compensation for the land coming under the road, as arbitrary, illegal and consequently to direct the respondents to provide alternative equal extent of land to the petitioner.

Heard Sri A.Prabhakar Rao, learned counsel for the petitioner, learned Government Pleader for Land Acquisition and learned Government Pleader for Roads and Buildings.

It is the case of the petitioner that he is the owner and possessor of the land to an extent of Ac.2.26 guntas in Sy.Nos.199 and 200. Without initiating proceedings under the Act, the respondents have acquired Ac.0-17 guntas out of Ac.2.26 guntas for the purpose of laying road. Challenging the same, the present writ petition is filed.

Learned Government Pleader for Land Acquisition contends that the petitioner has donated the land for the purpose of laying road without receiving any compensation. Now, he turned around and filed the present writ petition seeking compensation.

The respondents have filed counter-affidavit. They have not filed any proceedings to demonstrate that the petitioner has donated the land in favour of the respondents for laying the road.

Learned Government Pleader for Roads and Buildings submits that no requisition has been made by the Roads and Buildings Department and, unless and until a requisition is made, the competent authority cannot initiate proceedings under the Act.

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 ends of justice would be met if a direction is given to the Roads and Buildings Department to submit a requisition to the competent authority to acquire the land of the petitioner to an extent of Ac.0-17 guntas out of Ac.2.26 guntas in Sy.Nos.199 and 200, situated at Mahabubabad Village and Mandal, Warangal District, to the competent authority and

upon receipt of such requisition, the competent authority under the Act shall initiate proceedings in accordance with law and pay compensation to the petitioner within a reasonable period.

Accordingly, the Writ Petition is disposed of directing the Roads and Buildings Department to submit a requisition to the competent authority to acquire the land of the petitioner to an extent of Ac.0-17 guntas out of Ac.2.26 guntas in Sy.Nos.199 and 200, situated at Mahabubabad Village and Mandal, Warangal District, to the competent authority and upon receipt of such requisition, the competent authority under the Act, shall initiate proceedings in accordance with law and pay compensation to the petitioner, within a period of six months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

2nd May, 2018
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