

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15940 OF 2007

ORDER :

This Writ Petition is filed to declare the action of the respondents in issuing notification No. C/ORR/1130/2005, dated 14.12.2005 under Section 4(1) and declaration No. C/ORR/1130/2005, dated 11.12.2006 under Section 6 of the Land Acquisition Act, 1894 (for short, 'the Act') and notice in File No. LA/Unit.II/ORR/110/05 and notice No. 110/LA/Unit.II/2005, dated 16.07.2007, as illegal and arbitrary.

Petitioner claims to be the owner and possessor of agricultural land in an extent of Ac.0.33.33 guntas in Survey No. 31 situated at Bonguloor Village, Ibrahimpatnam Mandal, Ranga Reddy District *vide* registered sale deed dated 25.05.2004. His name was mutated in the revenue records and pattadar passbooks were also issued in his favour, states the petitioner. While the matter stood thus, it is the case of the petitioner, on 16.07.2007, he was issued the notice under Sections 9(3) and 10 of the Act to appear before the 4th respondent Special Deputy Collector (Land Acquisition) on 26.07.2007 to show, in detail, the nature of right he holds over the said land. It is his further case that he was issued the notice dated 16.07.2007 informing that a notification was issued under Section 4 of the Act by the 3rd respondent, dated 11.12.2006 and that the government had issued orders *vide* G.O.Ms.No. 14 dated 18.12.2006 for compensation package and if he agrees for the same, he might give consent in writing. He further submits that immediately he applied to get copies of the Gazette Notification issued under Sections 4 and 6 of the Act to

know whether his land is included therein. According to him, his land was not notified either under Section 4 or Section 6 of the Act.

A counter-affidavit was filed as far back as on 23.01.2008 on behalf of the 3rd respondent, refuting various averments in the Writ Petition. It was further stated that even as per the petitioner, he purchased the property on 25.05.2004 and pattadar pass books were issued on 07.01.2005 and the proposal for land acquisition was made based on the revenue records for 2003-04, hence, the petitioner's name was not reflected in the notification under Section 4(1). Further, it is asserted that the notification under Section 4(1) came to be issued on 14.12.2005 and thereafter, declaration under Section 6 was made on 11.12.2006 and the Award came to be made on 11.03.2008. It is further asserted that even as per the petitioner's affidavit, he was aware of the land acquisition proceedings as he had responded to the notice issued under Sections 9(3) and 10 of the Act. In those circumstances, the petitioner cannot feign ignorance about passing of the Award and as matter of fact, the Writ Petition itself is filed at the belated stage.

Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition on behalf of Respondents 1 and 4 and learned Standing Counsel for Respondents 2 and 3.

Taking into consideration the respective submissions, particularly, the specific assertion of the learned counsel for the petitioner that the Award was never served on his client, this Court directed the learned Standing Counsel to produce the record in relation to the Award, in response to which, a copy of the Award dated 11.03.2008 was produced. On a specific query from this Court as to whether there is any material available on record to

support the contention that the Award came to be served on the petitioner, learned Standing Counsel fairly submitted that the record discloses that the Award was not served on the petitioner as his address was not available on record. On further query, whether the Award has been dispatched through registered post, the answer was also in negative. In other words, the facts on record disclose that the Award was not served on the petitioner.

The reasons stated by the respondents for non-service of the Award cannot be accepted, for, the notice dated 16.07.2007 specified the address of the petitioner as T. Raghuram Reddy, S/o Sri T. Ramchandra Reddy, R/o 10-108/5, P&T Colony, Dilsukhnagar, Hydeabad-60. It may be noted that the address of the petitioner is same as was mentioned in the notice dated 16.07.2007 which directed him to approach the Land Acquisition Officer within ten days if he is desirous to agree for the land acquisition proposals in terms of G.O.Ms. No. 14, dated 18.12.2006.

On a further query whether the compensation amount was deposited in the Court, the learned Standing counsel for Respondents 2 and 3 submits that the same was deposited with HMDA account. In this factual scenario, the learned counsel for the petitioner submits that he may be given an opportunity to take appropriate steps as and when the copy of the Award is served on him and that for the purpose of disposal of this Writ Petition, he would be satisfied if a direction is issued to the respondents to serve the Award, as is required in terms of Section 12(2) of the 1894 Act (now repealed).

The Writ Petition is therefore, disposed of with a direction to the 4th respondent to dispatch the Award copy to the petitioner through Registered Post acknowledgment due within one week from the date of receipt of a copy of this order. No costs.

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

CHALLA KODANDA RAM, J

26th November 2018

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