

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 25397 of 2007

O R D E R:

In this Writ Petition, petitioners challenge a notice in Form-10 issued by respondent No.1 – Land Acquisition Officer & Revenue Divisional Officer, Chevella Division, Ranga Reddy District, under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') directing them to vacate the subject land acquired for the purpose of road widening pursuant to the notification issued under Section 4(1) of the Act and deliver vacant possession of the same by 28.09.2007.

It is the case of the petitioners that without following the procedure prescribed under Section 12(2) of the Act and passing of any Award under Section 11(1) of the Act, respondent No.1 issued the impugned notice.

On behalf of the respondents, a detailed counter-affidavit is filed by stating that 80% of the compensation amount was paid to the petitioners as required under the provisions of the Act, possession came to be taken in 2007, declaration under Section 6 of the Act was published and after passing of the consent Award on 07.09.2009, the balance amount was paid on 28.04.2010; that the allegation of the petitioners that they have not followed the procedure as prescribed under the Act is not correct; that though the petitioners have asserted that the land value is Rs.15,000/- per square yard, there is no material

produced by them in support of the same and that though the market value was fixed initially at Rs.1.700/- per square yard, after negotiations, the District Legal Negotiation Committee fixed the market value at Rs.3,300/- per square yard and thereby, consent Award was passed.

Learned counsel for the petitioners submits that an extent of Ac.0.05 guntas of land was taken from the petitioners in excess of the land which was acquired for the purpose of road widening and the said aspect has been specifically stated in the reply affidavit filed on 05.08.2018 and that the Award is not a consent Award and therefore, prays for a direction to the respondent authorities to refer the case under Section 18 of the Act to enable the petitioners to seek enhancement of the compensation as they are not satisfied with the same.

It may be noted that the challenge in the writ petition is to the notice issued to the petitioners directing them to handover vacant possession of the subject land. It may also be noted that the petitioners cannot resist handing over of the possession especially on account of the fact that urgent clause has been invoked and the respondents complied with the requirement of law by paying 80% of the compensation amount. In the circumstances, there is no merit in the writ petition.

In so far as the contention of the learned counsel for the petitioners that an extent of Ac.0.05 guntas of land of the petitioners was taken in excess of the land which was acquired is

concerned, the petitioners ought to have raised the same at the time of handing over the possession. As there is no averment in the writ petition and no objection was raised at the time of handing over the possession, the same cannot be decided by this Court at this point of time.

In those circumstances, leaving it open to the petitioners to workout the remedies as available to them under law, the writ petition is dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed. There shall be no order as to costs.

Dt:16.11.2018
kdl

CHALLA KODANDA RAM, J

