

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.NO.26053 OF 2006

ORDER:

This writ petition is filed seeking to declare the action of the first respondent in issuing the Proceedings No.B51/2006, dated 28.10.2006 to determine the exgratia amount payable to the petitioners in respect of consumption of his land admeasuring Ac.1.14 guntas in Sy.no.103/31 of Shamshabad Village and Mandal, Ranga Reddy District as illegal, arbitrary and unconstitutional, and consequently direct the respondents to forbear from taking possession of or consuming the said land without initiating proceedings for acquisition of under the provisions of the Land Acquisition Act, 1894 or any other law for the time being in force and further direct the respondents not to interfere with the possession and enjoyment of the petitioners from the said land till such time, the land is acquired in accordance with law.

2. It is the case of the petitioners that they are pattedars in respect of the land in an extent of Ac.1.14 guntas in Sy.No.103/31 of Shamshabad Village and Mandal. Ranga Reddy Distdrict and they are holding pattedar pass book and title deed issued by the revenue authorities. It is stated that to their surprise, the District Collector, Ranga Reddy District issued proceedings dated 28-10-2006 and a notice was affixed to their house, stating that the land of the petitioners was sought for formation of connectivity road i.e., International Airport to Mamidipally village as per the provisions of Assignment of Land and an amount of Rs.5,00,000/-

per acre has been awarded as exgratia for the above land and for total extent of Ac.1.14 guntas, it comes to Rs.8,77,500/- and the petitioners were informed to accept the same. Challenging the said order dated 28-10-2006 of the District Collector, the present writ petition has been filed, claiming compensation amount under the Land Acquisition Act, 1894 as the said land is a patta land and not the assigned land.

3. Sri Vedula Venkataramana, Senior Counsel appearing for the petitioners has relied on the judgment of this Court in **L.A.O-cum-Revenue Divisional Officer, Chevella Division, Domalaguda, Hyderabad and others Vs. Mekala Pandu and others**¹, wherein, this Court held that even the assignees of the lands when acquired under the Land Acquisition Act for public purpose, the assignees are entitled for compensation.

4. The Assistant Government Pleader for Assignment, submitted his arguments in support of the counter affidavit filed by the second respondent, stating that the subject land as per their enquiry is not the patta land, but it is an assigned land and accordingly, the Government has resumed the said land for public purpose in terms of G.O.Ms.No.1307, Revenue (Assignment-I) Department, dated 23-12-1998.

5. Heard.

6. Without going into the disputed questions of fact, whether the land is assigned or patta land, the only relief which is sought by the petitioners is for payment of amounts either by way of

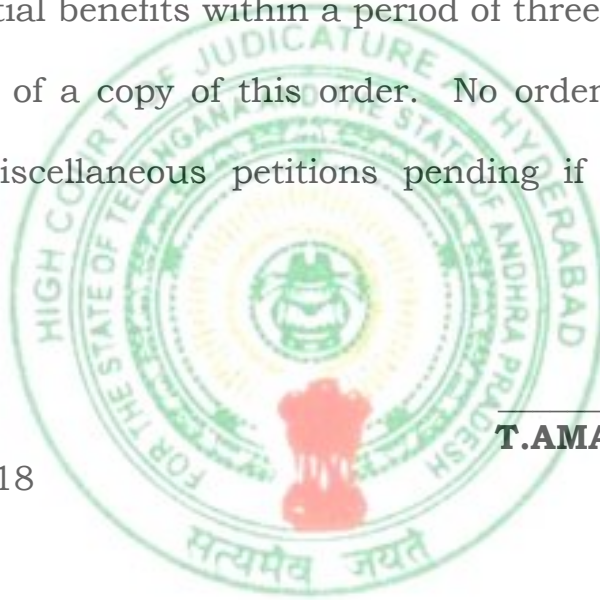
¹ 2004 (2) ALD 451 (LB)

compensation or by way of exgratia, which would serve their purpose is the issue.

7. In the light of the ratio laid down in the above referred judgment that even the assignees are entitled for compensation but not exgratia, this writ petition is liable to be allowed.

8. For the reasons stated above, the writ petition is accordingly allowed, setting aside the order of the District Collector, Ranga Reddy, dated 28-10-2006, with a direction to the respondents to consider the case of the petitioners for grant of compensation and the consequential benefits within a period of three months from the date of receipt of a copy of this order. No order as to costs. As sequel, the miscellaneous petitions pending if any shall stand closed.

Date:06-04-2018
Shr



T.AMARNATH GOUD,J