

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.28136 of 2015

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Land Acquisition for respondent nos.1 to 3; Sri T. Sudhakar Reddy, counsel for respondent nos.4 and 5; and Sri L. Venkateswar Rao, counsel for 6th respondent.

2. This is an unfortunate case where possession of the petitioner's land admeasuring Ac.0.27 guntas in T.S.No.26/2/2 and Ac.0.14 guntas in T.S.No.26/1/2 in 'A' Block in Survey Nos.41 and 42 of Teegalguda, Moosarambagh, Hyderabad was taken in the year 2000 after issuing a notification under Section 4(1) of the Land Acquisition Act, 1894 on 08.02.2000 without passing any Award or paying any compensation to the petitioner till date.

3. However, the Greater Hyderabad Municipal Corporation (6th respondent) has admittedly laid a road in the above land in the year 2000 itself.

4. Non-passing of the Award within two (02) years under Section 11-A of the Land Acquisition Act, 1894 would result in the lapsing of the proceedings for acquisition initiated pursuant to Section 4(1) notification issued on 08.02.2000.

5. This legal position is not disputed by the counsel for respondents. Therefore, there has to be initiation of fresh process of acquisition by respondents in regard to petitioner's land.

6. The District Collector had, in fact, issued proceedings No.B1/716/98 dt.09.09.2014, requesting the Commissioner of the 6th respondent-Corporation to initiate process for land acquisition for payment of compensation in respect of land of another party who had approached this Court and succeeded in Writ Appeal No.1939 of 2013.

7. So, it is necessary that the 6th respondent give a requisition to the 1st respondent to initiate process for acquisition of land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (also Land Acquisition Act, 2013) because only on the basis of such a requisition can the 1st respondent and respondent nos.2 and 3 take any further action in regard to payment of compensation to the land which the petitioner has been deprived of.

8. Even though the Writ Petition has been filed in 2015, the Greater Hyderabad Municipal Corporation (6th respondent) has not chosen to file any counter-affidavit.

9. However, the counsel for GHMC, appearing for 6th respondent, states that the 6th respondent is willing to pay compensation as determined by respondent nos.1 to 3 and that it has no objection to

send a requisition to the 1st respondent to notify afresh the petitioner's land under Act 30 of 2013.

10. Accordingly, the Writ Petition is allowed with costs of Rs.25,000/- to be paid by 1st respondent to the petitioner within a period of four (04) weeks from the date of receipt of copy of the order.

11. The 6th respondent is directed to forthwith send a requisition to the 1st respondent for notifying petitioner's above referred land for acquisition under Act 30 of 2013. Upon receipt of such requisition, the 1st respondent shall take further steps in the matter, including passing of the Award, within a period of three (03) months from the date of receipt of copy of such requisition. Once the Award is passed, within one (01) week thereafter the 6th respondent shall make available the funds to be paid to the petitioner pursuant to the said Award and respondent nos.1 to 3 shall ensure payment of the same to the petitioner immediately thereafter.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10.08.2018

Ndr/*