

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE M.S.K. JAISWAL

WRIT APPEAL No.1004 OF 2016

ORDER: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P. No.6079 of 2016 dated 27.04.2016 wherein, following the judgment of the Supreme Court in **Pune Municipal Corporation v. Harakchand Misirimal Solanki**¹, it was held that, since compensation under the 1894 Land Acquisition Act had not been paid before 31.12.2013, the award passed on 24.04.2009 had, in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter called the "2013 Act"), lapsed. The Learned Single Judge directed the respondents to issue a fresh notification under Section 11 of the 2013 Act within four weeks from the date of receipt of a copy of the order in respect of the subject land, determine the amount of compensation payable to the petitioner under the 2013 Act, and pay it to them within a period of three months from the date of such publication.

While the consequence, of non-compliance with Section 24(2) of the 2013 Act, is that the entire land acquisition proceedings, commencing from the notification issued under Section 4(1) of the 1894 Act, would lapse, we are saved the trouble of examining the question, whether or not a mandamus can be issued directing the Government to acquire the petitioner's lands afresh, as both the Learned Advocate General for the State of Telangana appearing on behalf of the appellants, and Sri D. Krishna Murthy, Learned Counsel for the

¹ (2014) 3 SCC 183

respondent-writ petitioner, would agree that two more months time be granted to do so, and it would suffice if the appeal is disposed of granting the appellant two more months time to issue the notification under Section 11(1) of the 2013 Act, and to pass an award within three months thereafter.

As Learned Counsel on either side are in agreement, the order under appeal is modified, and the appellants are permitted to issue a notification, under Section 11(1) of the 2013 Act, afresh at the earliest and in any event within two months from today, and an award is passed under the 2013 Act, and compensation is paid to the respondent-writ petitioner thereunder, within three months from the date of issuance of such notification.

The Writ Appeal is disposed of accordingly. Both Counsel would agree that the order imposing costs of Rs.5,000/- may also be set aside. The order under appeal, imposing costs of Rs.5,000/- is also set aside. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

M.S.K. JAISWAL, J

Date: 29.01.2018

MRKR