

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27440 OF 2018

Date:28.12.2018

Between:

Giyar Ramesh, S/o. G. Padma Rao,
Aged about 59 years, Occ: Retd. Employee,
R/o.H.No.2-4-118/39/1, South Swaroop
Nagar Colony, Uppal, Medchal-Malkajgiri
District

.. Petitioner

And

The State of Telangana, rep., by
its Principal Secretary, Revenue
Department (LA), Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Revenue for respondents 1, 4 and 5, learned Government Pleader for Roads and Buildings for respondents 2 and 3 and Sri A. Laxminarayana, learned Standing Counsel for National Highways Authority for respondent No.6.

2. Petitioner claims that he is the owner of land to an extent of Acs.2.00 in Survey No.271/2 situated at Komalla Village, Raghunadhpally Mandal in the erstwhile Warangal District. He seeks to declare the high-handed and illegal action of the respondents in trying to dispossess him from the subject land without issuing any notice; without acquiring the land and without paying compensation as per the Act 30 of 2013, as illegal, arbitrary and unconstitutional.

3. In the counter affidavit filed on behalf of respondent No.6, it is averred that the entire process of land acquisition was followed; compensation was determined and award was also passed on 16.04.2018. In paragraph No.10 thereof, it is averred that an amount of Rs.1,50,000/- per acre was determined as compensation and as petitioner failed to appear before the CALA-cum-RDO during the award enquiry, the award was passed with the name stated as 'unknown' and the amount determined as compensation was credited to the revenue account. It is further stated that even now the petitioner can approach the

CALA-cum-RDO and claim compensation by proving his ownership by way of title/ownership documents.

4. Having regard to the averments of respondent No.6 in paragraph No.10 of the counter affidavit, learned counsel for the petitioner seeks leave of the Court to make an application to CALA-cum-RDO by the petitioner for release of compensation already determined and also file an application for enhancement of compensation.

5. In view of the said submission, the Writ Petition is disposed of granting liberty to the petitioner to file an application before the CALA-cum-RDO with supporting documents showing his entitlement to receive compensation and on filing such application and on due verification of the entitlement, the compensation already determined shall be paid to the petitioner within a period of three weeks from the date of receipt of application. It is also open to the petitioner to file an application for enhancement of compensation. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:28.12.2018

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