

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.31858 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Primary Notification issued by the respondents under the proceedings of the 2nd respondent-District Collector vide G/2731/2017, dated 20.3.2018 for the second time, proposing to acquire the land admeasuring Ac.2.29 guntas in S.No:330/A of Kudakuda village belonging to the petitioner, under the guise of construction of the Building complex of Collector Office, as contrary to the order of the Division Bench of this Hon’ble Court in W.P. (Pil) No:84/2018, dated 9.8.2018 and contrary to G.O.Ms.No:230, Dated: 10.10.2017 and as illegal, arbitrary and discriminatory and in violation of the principles of natural justice and violation of Article-14, 21 and 300A of the Constitution of India and consequently, to declare the said notification as illegal and to set aside the same and pass such other order or orders as this Hon’ble Court deems it fit in the interests of justice.”

2. I have heard the submissions of Sri *G.U.R.C.Prasad*, learned counsel appearing for the petitioner; and of the learned Government Pleader for Land Acquisition (Telangana), appearing for the respondents 1 to 4. I have perused the material record.

3. Though the challenge in this writ petition is to the actions of the respondents prior to the award, at the hearing, it is brought to the notice of the Court that an award has already been passed, on 01.09.2018, and that, therefore, the cause in the writ petition does not survive for adjudication. In view of the fact that an award has already been passed, in the considered view of this Court, the writ petitioner is required to challenge the award on grounds, which the

law permits, if he so desires and is so advised. It is needless to state that the petitioner is also entitled alternatively to take recourse to the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'Act 30 of 2013').

4. A joint representation is made that possession of the subject land of the petitioner is not yet taken.

5. Learned Government Pleader submits that possession will not be taken unless the compensation money is either deposited before an appropriate Forum or is paid to the petitioner, in case he is prepared to receive the same.

6. Recording the submissions and having regard to the facts and circumstances, the Writ Petition is disposed of reserving liberty to the petitioner to challenge the award, if he so desires and is so advised, on grounds, which the law permits; and, also alternatively leaving it open to the petitioner to pursue the remedies under Act 30 of 2013. As undertaken on behalf of the respondents, the possession of the subject lands of the petitioner shall not be interfered with by the respondents till the money is either deposited before an appropriate authority or paid to the petitioner.

There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE M. SEETHARAMA MURTI

Date: 7th September, 2018

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