

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.36924 OF 2018

Date:31.10.2018

Between:

P. Umamaheswar Reddy,
S/o. P. Narayan Reddy,
Age 57 years, R/o.H.No.3-8-5,
Ravindranagar, Mahabubnagar
Town & District and others

.. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department
- cum- Land Acquisition, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.36924 OF 2018****ORDER:**

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition.

2. On 13.03.2017, acquisition notification in Form VI was issued for formation of bypass road from Yenugonda to Bandameedipalli. The properties of petitioners are shown against Item Nos.46 to 51 of the said notification. On 23.06.2017, declaration was made under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short, 'the Act'). Petitioners thereafter made a representation requesting the Land Acquisition Officer to determine the compensation based on square yard basis instead of acreage basis on the ground that the subject land was no more an agricultural land and it was converted into non-agricultural purpose and long ago permission was obtained for formation of layout and layout was formed. This request was considered and by endorsement dated 05.09.2018 the same was rejected. Aggrieved thereby, this Writ Petition is filed.

3. Though the prayer is with reference to determination of compensation based on square yard basis instead of acreage basis, learned Government Pleader for Land Acquisition informed the Court that no award was passed within one year from the date of publication of declaration, as per Section 25 of the Act and therefore the land acquisition proceedings lapsed. He would therefore submit that as of now, the proceedings are not pending.

4. According to Section 25 of the Act, an award has to be passed within 12 months from the date of publication of declaration under Section 19 of the Act. Apparently, no award was passed within the time prescribed though declaration was issued on 23.06.2017/30.06/2017. The entire land acquisition proceedings stood lapsed and therefore no proceedings are deemed to be pending as on today.

5. In view of the same, the Writ Petition is disposed of holding that the land acquisition proceedings concerning the subject lands of the petitioners, referred to above, are not pending and it is open to the petitioners to deal with the properties belonging to them in accordance with law. However, this order does not come in the way of the competent authority in taking up the proceedings afresh, if so advised. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:31.10.2018

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P. NAVEEN RAO, J