

HONOURABLE SRI JUSTICE P.NAVEEN RAO

W P Nos. 39880, 39910, 39911, 39927, 39932, 39946, 39947 AND 40348 OF
2018

Date: 15.11.2018

WP 39880 of 2018

Between:

Smt K Kumari W/o Bhaskar Raju
age 63 yrs Aadhar no 624675345763 R/o 158
Panduva W G Dt A P

.....Petitioner

And

The State of Telangana
Rep by its Prl Secretary Land Acquisition Department
Secretariat Hyderabad & others

.....Respondents



The Court made the following:

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COMMON ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition (TG).

2. As the issue in all these writ petitions is common and the relief prayed is same, these writ petitions are disposed of by this order.

3. Greater Hyderabad Municipal Corporation (for short GHMC) placed requisition to acquire 16 properties which are affected for road widening under 'Strategic Road Development Plan' (SRDP) for the purpose of multi level fly over at Bio-Diversity Park T Junction, Raidurg Pan Maktha village, Serilingampally mandal, Ranga Reddy district. The properties acquired are in Survey No.82 with sub divisions and Survey No. 83 with sub divisions. Petitioners' properties are included in the above requisition placed by GHMC. Preliminary notification under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the Act) was published in the District Gazettee on 26.9.2017. After issuing notice under Section 15 (1), conducting personal hearing, declaration under section 19 (1) of the Act was published in the District Gazettee in February, 2018 and award was passed on 3.4.2018. During enquiry, objections were filed by third parties claiming that properties under acquisition actually belong to them, therefore compensation should be paid to them and not to the petitioners. In view of the objections, matters were referred to third respondent Authority and amount of compensation arrived by the LAOP was deposited under Section 77 of the Land Acquisition Act.

4. In LAOPs petitioners filed their claim statements. Petitioners also raised demand for enhancement of compensation. Their claim for enhancement of compensation is also referred to the Authority. The authority issued notices to the rival claimants and matter is pending at that stage.

5. The details of the petitioners are given hereunder in a tabulated form:

SNo	Petitioner name	W.P No	Property	Rival Claimant	LAOP No	Enhancement of compensation I.A No
1	S. Ramaraju Varma	39910/2018	232.92 sq yards in Sy No 83/2/9	Abdul Aziz	102/2018	113/2018
2	U. Dharma Reddy	39911/2018	230.73 sq yards in Sy. No 83/2/10	Abdul Aziz	105/2018	112/2018
3	K. Jamivardhani	39927/2018	247.01 sq yards in Sy No. 83/2/6	Abdul Aziz	108/2018	114/2018
4	D. Indra Bai	39932/2018	92.9 sq yards in Sy. No 83/2/11	Abdul Aziz	103/2018	108/2018
5	K. Ajay Babu	39946/2018	242.19 sq yards in Sy. No 83/2/5	Abdul Aziz	112/2018	110/2018
6	Vemula Venugopal	39947/2018	240.65 sq yards in Sy No 83/2/8	Abdul Aziz	100/2018	109/2018
7	Dulchand Shishupal Singh	40348/2018	92.9 sq yards in Sy No 83/2/11	Abdul Aziz	109/2018	108/2018

6. In these writ petitions, petitioners claim that even though Section 60 (4) of the Act envisages disposal of the LAOP within six months, so far, LAOPs are not disposed of. Learned counsel sought to contend that after award was passed, possession was taken but so far compensation is not paid, thereby causing lot of hardship to petitioners. Due to delay in disposal of the LAOPs, the very objective of the Act is

defeated and there is no justification to the authority in not disposing of LAOPs within the time as required by the Act.

7. To appreciate this contention, it is necessary to note the pleadings of the petitioners. In paragraph 7 of affidavit filed in support of WP No. 39880 of 2018, petitioner states that the rival claimants have not yet received the notices and cases were adjourned on several occasions for want of service of notice to the rival claimants. It is further averred that it is an admitted fact that the rival claimants sold away the land in question and migrated to USA, way back. In other words, so far notices are not served on the rival claimants. The pleadings in the affidavit are silent as to whether steps for service by alternative mode were taken. Averments are also silent as to what is the status of pendency before the authority and cases of which year are now being taken up.

8. Without service of notice on rival claimants, LAOPs cannot be disposed of. It is not the case of petitioners that the rival claimants are deliberately avoiding to receive notices. Thus, it cannot be said that third respondent Authority is deliberately dragging on the cases, not adhering to the time frame fixed by the Act and for no valid reason or cause the cases are kept pending. Therefore, relief sought for by the petitioners can not be granted. However, it is open to petitioners to file appropriate application requesting the authority to ensure early service of notice on the rival claimants and expedite the hearing of the LAOPs.

9. Accordingly, writ petitions are disposed of. No costs.

JUSTICE P. NAVEEN RAO

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