

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1101 of 2019

ORDER:

This writ petition is filed for the following relief:

“to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the actions of the Respondent Nos. 2 and 3 more particularly the Respondent No. 3 in issuing the Notice vide Lr.No. 201/RW/ACP/C9/GHMC/2019, dated 10.01.2019 by demanding the Petitioner to give consent and handover the advance possession of a portion of property bearing No 22-8-108 for an extent of 45.55 Square Yards situated at Nayapul to Pathergatti Road, Hyderabad as illegal, arbitrary and in violation of Principles of Natural Justice and also in violation of Articles 14, 21 and 300A of the Constitution of India.”

When the matter is taken up, it is submitted by the learned counsel for the parties that the issue raised in the present Writ Petition is squarely covered by the order, dated 21.01.2018, passed by this Court in Writ Petition No.585 of 2019.

Operative portion of the aforesaid order reads as under:

“Since the petitioner has ample opportunity to espouse his grievance before the Land Acquisition Officer, including claiming the compensation for the entire property, he is given liberty to file objections in terms of Section 30 of the 2013 Act which shall be considered during the Award enquiry by the 3rd respondent.

Subject to the above, the writ petition is disposed of. As Section 38 of the Act mandates payment of compensation before taking possession, it is made clear, the petitioner's possession and enjoyment over the subject property shall, in no way, be interfered with until the provisions of the Act, particularly the one with regard to payment of compensation is complied with in its letter and spirit.

Following the aforesaid order and for the reasons stated therein, this Writ Petition is also disposed of giving liberty to the petitioner to file his objections in terms of Section 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which would be considered by the authority concerned during the Award enquiry. However, inasmuch as Section 38 of the said Act mandates payment of compensation before taking possession, it is made clear, the petitioner's possession and enjoyment over the subject property shall, in no way, be interfered with until the provisions thereof, particularly, the one with regard to payment of compensation is complied with in its letter and spirit.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:24.01.2019

kdl