

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5786 OF 2019

ORDER:

It is the case of the petitioners that they are the absolute owners of the land admeasuring 292 square yards in Sy.No.933; 348 square yards in Sy.No.933 and 189.5 square yards in Sy.Nos.933 & 934 of Miryalaguda Town & Mandal, Nalgonda District, having purchased the same vide registered sale deeds bearing document Nos. 3098/1990 dated 13.08.1990, 3096/90 dated 13.08.1990 and 163/1984 dated 10.01.1984, respectively.

2. It is the assertion of the petitioners that they are the original owners of the subject land; that the said land along with other lands was acquired by the Government pursuant to the land acquisition notification issued under Section 4(1) of the Land Acquisition Act, 1984 (for short 'the Act') dated 05.12.2001; and as such they are entitled for compensation for the subject land. Petitioners also assert that though possession of the subject land was taken on 12.01.2003, so far, they have not received any notice with respect to the land acquisition proceedings. It is also the assertion of the petitioners that they have recently come to know about the award having been passed on 07.06.2013 determining the compensation and on perusal of the said award, it is found that out of the total extent of the land acquired, some of the

owners of the land have not attended the award enquiry and not claimed compensation to their extents, as such it is decided to keep the compensation amount with regard to the unclaimed extent of the land in revenue deposit and it is also ordered to pay compensation when the concerned and eligible land owners approach for payment. Petitioners further assert that as they were not aware of the land acquisition proceedings, they were not present before the Land Acquisition Officer claiming compensation to their lands.

3. When the matter is taken up for admission, learned Government Pleader as per the instructions of the Land Acquisition Officer and Revenue Divisional Officer submits that though the Award was passed, the compensation could not be paid to awardees since requisition department has not deposited funds for payment of compensation. It is further asserted that the District Collector, Nalgonda vide letter G1/23867/2001 dated 01.03.2019 has accorded permission for utilizing the available funds for payment of compensation, with a further direction to deposit the compensation amount with regard to unclaimed land with the competent Court to enable the eligible individuals to claim the award amount.

4. Having considered the submissions of the learned counsel for the petitioners and the learned Government

Pleader, it is noticed that Section 24 of the Act deals with the situation arising of the present nature.

5. The Land Acquisition Act, 1894 stands repealed with an enactment Act 30 of 2013 which came into force on 26.09.2013. The contingency in the present case has to be dealt with in terms of Section 24 (1) (b) of the Act.

Section 24 (1) (b) of the Act reads as under:

(a).....

(b) Where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

6. In the instant case, the Land Acquisition proceedings were initiated under the Land Acquisition Act, 1894 and award under Section 11 of the Act was passed on 07.06.2013. Though the Land Acquisition Act, 1894 stands repealed on 26.09.2013, by virtue of Section 24 (1) (b) of the Act, the provisions of 1894 Act are applicable with respect to the present award made under the Act.

7. In those circumstances, the writ petition is allowed with a direction to respondents 2 and 3 to forthwith deposit the compensation amount with regard to unclaimed land in the award before the appropriate competent Court in terms of Section 30 of the Act and inform the same to the petitioners to enable them to make their claim with respect to compensation amount as per their entitlement by

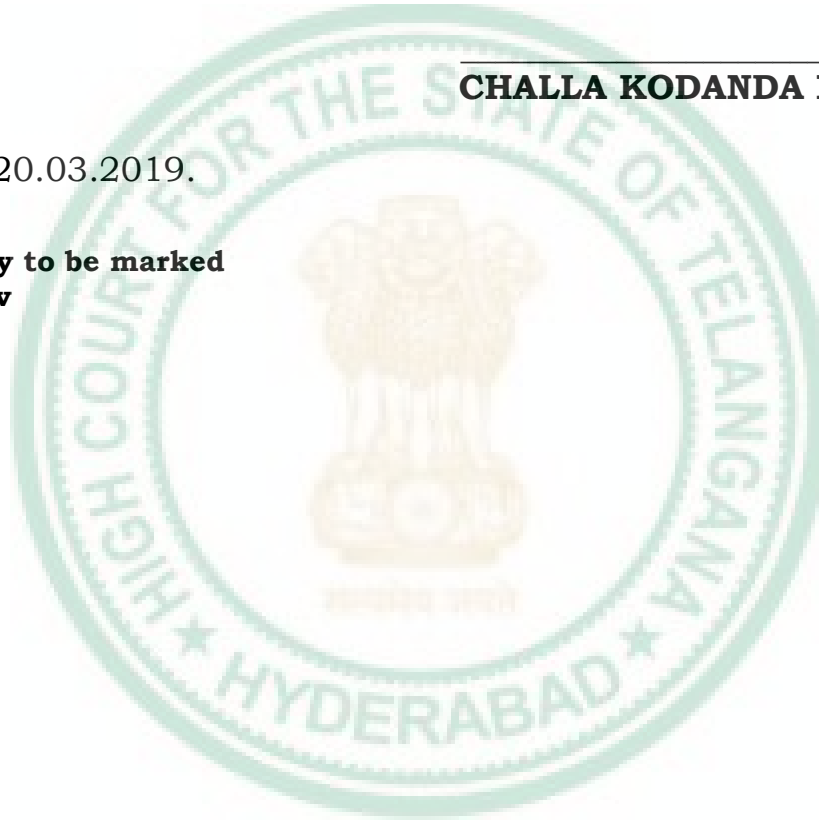
substantiating their right before the competent Court. As already a decision has been made by the 2nd respondent, the entire exercise would be completed within a period of four weeks from the date of receipt of copy of this order. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 20.03.2019.

Note:
LR copy to be marked
(B/o) dv



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Dated : 20.03.2019

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