

HIGH COURT FOR THE STATE OF TELANGANA

* * *

WRIT PETITION No.5825 of 2019

Between:

1. Smt. Palnati Buchamma w/o Srinivas Reddy, and 5 others

.....Petitioners

AND

1. The State of Telangana, and 2 others

.....Respondents

Date of Judgment pronounced on : 20.03.2019

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

1. Whether Reporters of Local newspapers : Yes / No
May be allowed to see the judgments?
2. Whether the copies of judgment may be marked : Yes / No
to Law Reporters/Journals:
3. Whether The Lordship wishes to see the fair copy : Yes / No
Of the Judgment?

CHALLA KODANDA RAM, J

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAMWRIT PETITION No.5825 of 2019

% 20.03.2019

1. Smt. Palnati Buchamma w/o Srinivas Reddy, and 5 others

... Petitioners

Versus

\$ 1. The State of Telangana, and 2 others

.... Respondents.

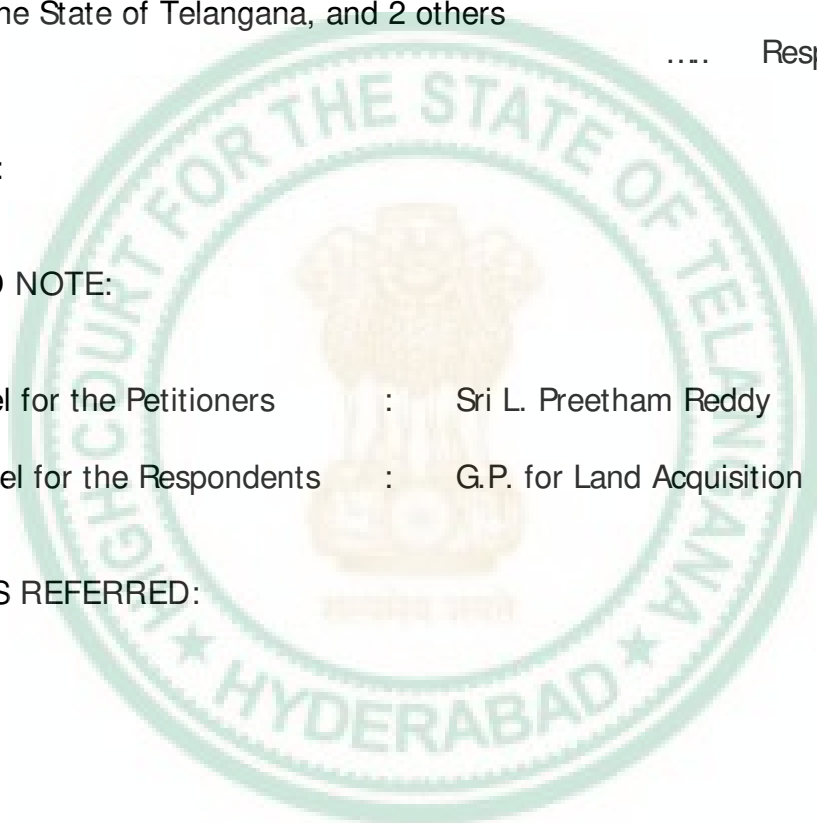
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> HEAD NOTE:

! Counsel for the Petitioners : Sri L. Preetham Reddy

^ Counsel for the Respondents : G.P. for Land Acquisition

? CASES REFERRED:



THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5825 of 2019

ORDER:

The petitioners seek benefit of Section 28-A of the Land Acquisition Act, 1894 (for short, 'the Repealed Act') with respect to the lands which were the subject matter of land acquisition.

The facts are not in dispute to the extent that the petitioners are covered by the Award dated 23.10.2017 in O.P.No.43 of 2005 on the file of Senior Civil Judge, at Miryalguda, arising from the Award dated 19.02.2002 passed by the Land Acquisition Officer in pursuance of the notification dated 15.02.2000.

The learned Senior Civil Judge, Miryalguda, has enhanced the compensation from Rs.2,00,000/- per acre to Rs.564/- per square yard, accepting the claim of the claimants therein. As the petitioners are also covered under the same Notification dated 15.02.2000, the petitioners are also required to be extended the benefit in terms of Section 28-A of the Repealed Act, on account of the provisions of Section 24(1)(b) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'Act 30 of 2013'). Notwithstanding the fact that the Land Acquisition Act, 1894 was repealed, it may be noted that, Section 114 read with Section 24(1)(b) makes it clear that with respect to land acquisition proceedings where an Award has already been made, any further proceedings arising under the Repealed Act are required to be continued under the Repealed Act.

In the present case, it is admitted by the respondents in the written instructions that the petitioners had made an application on 09.04.2018 stating O.P.No.43 of 2005 was disposed on 23.10.2017 and that they are entitled for compensation under Section 28-A of the Repealed Act. While the respondents assert that on earlier occasion, notice was issued to attend Award enquiry on 09.05.2018, the same was not concluded and now the same is proposed to be conducted on 15.04.2019. As the respondents have already taken steps and the enquiry under Section 28-A is slated on 15.04.2019, the writ petition is disposed of with a direction to the respondents to conclude the enquiry on 15.04.2019 or any other adjourned date, however, preferably with a period of three months from the date of receipt of a copy of this order.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

20th March, 2019

KSM

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM



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20th March, 2019

KSM