

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20173 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“...to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring action on the part of the respondents in dispossess the petitioner without paying the compensation as required to be paid in respect of land to an extent of Ac.1-27 along with the well with pipe line, 5 Toddy, 1 Guava, 1 Lime, 10 Kanaka, 4 Durshen, 40 Neem, 20 Sitaphal, 1 Mango, 2 Allaneredu, 9 Tamarind in Sy. No.561 of Cheerlavancha village of Thangallapally Mandal of Rajanna Siricilla District (previously in Siricilla Mandal Karimnagar District) in accordance with law pursuant to Section 6 declaration under Land Acquisition Act, 1894, as illegal and arbitrary, and consequently direct the respondents to pay the compensation as required to be paid in respect of the above property, before dispossessing the petitioner.”

2. Heard Sri M. Koteswara Rao, learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. Perused the material available on record.

3. Learned Assistant Government Pleader for Land acquisition had placed on record the written instructions dated 16.09.2019 received from the Revenue Divisional Officer, Siricilla. A perusal of the written instructions disclose that the land of the petitioner, as a matter of fact, came to be acquired and in final award dated 04.03.2008 it was determined that the petitioner is required to be paid a sum of Rs.3,18,000/- in respect of Acs.1.17 gts., of A-category land and

Ac.0.7 gts., of B-category land. In other words, the claim of the petitioner as to non-payment of compensation in respect of land is admitted.

4. Insofar as the claim with respect to the structures and well is concerned, in view of the judgment of the Supreme Court reported in **O. Janardan Reddy v. Special Deputy Collector**¹ and **Madheswar Prasad v. State of Bihar**², no separate compensation is required to be paid to the irrigation when the market value of the land is awarded. Hence, the claim of the petitioners in respect of structures and well cannot be entertained. Further, in the absence of any challenge to the award seeking reference under Section 18 of the Land Acquisition Act, at this point of time, the said issue cannot be agitated.

5. In those circumstances, there being no dispute with regard to the compensation amount payable to the petitioner in respect of the land acquired, which was admittedly not paid, there shall be a direction to the 4th respondent-Special Deputy Collector, Land Acquisition, Siricilla, to pay the amount of Rs.3,18,000/- along with accrued interest thereon, to the petitioner subject to eligibility, within a period of four (4) weeks. Further, the petitioner shall submit the particulars of his bank account to the Land Acquisition Officer so as to enable him to credit/transfer the amounts directly to the account of the petitioner, at the earliest.

¹ 1994 (6) SCC 456

² 1996 (7) Supreme Court 4

6. With the above observations, the writ petition is disposed of.
No order as to costs. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

CHALLA KODANDA RAM, J

September 20, 2019

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new award itself, the same has been dealt with in view of the judgment of the Supreme Court reported in 1994 (6) SCC 656 and 1996 (7) Supreme Court 4 no separate compensation will required to be paid to the irrigation when the market value of the land is awarded. Further there being no challenge to the award seeing reference under Section 18 of the Land Acquisition Act, at this point of time, the said issue cannot be agitated. In those circumstances, there being no dispute with respect to the compensation amount for the land which was not paid, there shall be a direction to the 4th respondent to credit the amount of Rs.3,18,000/- along with accrued interest subject to eligibility within a period of four (4) weeks. Petitioner shall submit the particulars of his bank account to enable the Land Acquisition Officer to transfer the amounts directly to the credit of the account of the petitioner.