

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20387 of 2019

ORDER:

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

“...to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in acquiring lands of the petitioners admeasuring an extent of land in Sy. Nos.54 86 55 admeasuring Ac.0.17 ½ guntas and Ac.0.02 ½ guntas belong to 1st petitioner and Ac.0.17 ½ guntas and Ac.0.02 ½ guntas belongs to 2nd. petitioner in Narsapur Village, Siddipet Urban Mandal, Siddipet District as notified in the notification and declaration dated 09.07.2019 without and instead of providing alternate lands as issued vide District Collector Proceedings Proc No E1/32/2018 of the District Collector order dated 19.03.2018, as illegal, arbitrary and in violation of Articles 21 and 300A of Constitution of India and Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (RFCTLARR, 2013) and consequently, direct the respondent authorities to provide alternative government land pursuant to and in accordance with Proc.No.E1/32/2018 of the District Collector’s order dated 19.03.2018 to the petitioners.”

2. Heard Ms.B.Rachana Reddy, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition. Perused the material available on record.

3. This is a case where at some point of time, the petitioners’ land was notified for acquisition by providing alternate land in Sy.No.692 in lieu of the monetary compensation for the land proposed to be acquired from the petitioners. The same is evident from the proceedings of the District Collector dated 19.03.2018. As there was no action being taken thereafter, petitioners filed the present writ petition.

4. Learned Government Pleader has placed on record the instructions submitted by the Tahsildar, Siddipet (Urban) Mandal. According to the said instructions, as on date, the land acquisition proceedings are at the stage of award enquiry. Further, it is categorically asserted in the written instructions that on account of the pendency of WP No.3789 of 2019 and the orders passed therein, it is not possible to handover the land in survey No.692 to the petitioners, which was proposed to be given to them in lieu of the compensation. In those circumstances, the Land Acquisition Officer has decided to proceed further for passing an award by determining the compensation payable for the land which was acquired.

5. In the light of the decision taken by the authorities, as of now, it is not possible to provide alternate land to the petitioners in survey No.692 in lieu of the land proposed to be acquired from the petitioners. In these circumstances and as there is no challenge to the land acquisition proceedings, the Land Acquisition Officer shall take necessary decision and pass appropriate award, in accordance with law, at the earliest.

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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