

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24007 of 2019

ORDER:

The grievance of the petitioner is that, without paying compensation, the State has forcibly taken over possession of his land and laying road.

Heard learned counsel for the petitioner, and the learned Government Pleader for Land Acquisition.

The Award dated 22.06.2019 having been passed is not in dispute. Learned Government Pleader has placed on record the instructions dated 30.10.2019 received from the Office of Revenue Divisional Officer, Sangareddy, which reads as under:

"It is to submit that, Sri Kummari Lachaiah S/o K. Venkaiah has filed a Writ Petition before the Hon' ble High Court declaring the action of the respondents in non paying the compensation as per the award proceedings passed by Respondent No.3, vide Proc. No.B3/3111/2017, dated 22.06.2019 and requested to direct the respondent No.03 i.e., LAO & RDO, Sangareddy to pay the compensation amount as per award passed by the LAO.

Further it is to submit that award has been passed vide LAO & RDO, Sangareddy Proc. No.B3/3111/2017, dated: 22.06.2019 and bill has also been processed in Bill Monitoring System to Sri. K. Lachaiah S/o K. Venkaiah & (63) others for total amount of Rs.15,36,41,983.00 allotted token No.1165, dated 30.07.2019. Funds are awaited from the Governmetn and the payment of compensation amount of Rs.13,58,979.00 will be credited into the beneficiary account after release of the funds from the Government. As per the instructions received from the Hon' ble High Court at Hyderabad to submit the instructions to the W.P. filed, the instructions are submitted herewith. A copy of the bill details are submitted herewith for kind perusal.

**Revenue Divisional Officer
Sangareddy"**

As is evident from the instructions, the petitioner is required to be paid compensation amount of Rs.13,58,979/-.

Section 38(1) of the Land Acquisition Act mandates full payment of compensation prior to taking possession. Section 38(2) of the Act puts the onus on the District Collector, as, taking possession without payment of compensation is illegal and unauthorised, and is clear violation of the provisions of the Land Acquisition Act, which mandate payment of compensation before taking possession.

It may be noted that in terms of Section 38(1) of the Act, and the proviso thereto, there may be time for providing rehabilitation and resettlement package, either monetary benefit or otherwise, but there is no time lag for payment of compensation, thereby, meaning that the compensation has to be paid before taking possession.

In those circumstances, the 2nd respondent-District Collector, Sangareddy, is directed to ensure compensation is paid to the petitioner within a period of four weeks from today without fail.

Subject to the above direction, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

05th November, 2019
ksm

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.24007 of 2019

05th November, 2019

KSM