

HON'BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No.26706 of 2019

ORDER :

This writ petition is filed by the petitioners seeking *Mandamus* to declare action of the respondents in not considering the representation dt.13.03.2019 of the petitioners for inclusion of 129 sq. yards of land, situated at Badi Chowdi, Sultan Bazar Main Road, Hyderabad, in acquisition proceedings and to grant compensation in respect of the said land, as arbitrary and illegal.

The petitioners are absolute owners and possessors of the property bearing H.Nos.4-5-425, 4-5-426, 4-5-443, 4-5-450 and 4-5-451, total admeasuring 288 sq. yards, situated at Badi Chowdi, Sultan Bazar Main Road, Hyderabad. Pursuant to the Notification dt.21.12.2014/27.12.2017 issued under Section 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, calling for objections from the land losers by respondent No.3 – Hyderabad Metro Rail Limited, the petitioners have submitted their objections stating that though 233 sq. yards of land was acquired from them, in the Notification only an extent of 104 sq. yards was mentioned and that the compensation for the remaining extent of 129 sq. yards has to be paid by including the said extent in the acquisition proceedings. However, without considering the said objections, respondent No.2 has passed an

Award dt.09.04.2018 granting compensation to an extent of 104 sq. yards only and thereby depriving compensation to the petitioners to an extent of 129 sq. yards. Therefore, the petitioners have submitted a representation dt.13.03.2019 to grant compensation in respect of the said extent of 129 sq. yards of land by including the same in the acquisition proceedings. As no action was taken on the said representation, the petitioners have filed the present writ petition.

Heard Sri S. Sridhar, learned counsel for the petitioners, as well as the learned Government Pleader for Land Acquisition for respondent Nos.1 and 2, Sri P. Radhiv Reddy, learned Standing Counsel for respondent No.3 – Hyderabad Metro Rail Limited, and Sri N. Ashok Kumar, learned Standing Counsel for GHMC.

Having acquired the land of the petitioners for the purpose of Metro Rail, the petitioners cannot be deprived of compensation for the same.

Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the respondents to consider the representation dt.13.03.2019 of the petitioners for inclusion of 129 sq. yards of land, situated at Badi Chowdi, Sultan Bazar Main Road, Hyderabad, in acquisition proceedings and to grant compensation in respect of the said land, and pass appropriate orders thereon in accordance with law, as expeditiously as possible. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE T. AMARNATH GOUD

17.12.2019.
Msr



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