

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44530 OF 2018

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

On account of consensus which has been arrived at with respect to the core issue involved in the Writ Petition, the Writ Petition can be disposed of as under:

There is no dispute that the land of the petitioner over an extent of 0.09 guntas, equivalent to 1089 square yards, was acquired for construction of road under - bridge at Mahabubabad town, Mahabubabad District in Survey No.307/2. The claim of the petitioner for compensation was rejected on the ground that the said land was not a patta land but it is an assigned land and thus, the petitioner is not entitled for compensation under the Land Acquisition proceedings, however, he would be entitled for ex-gratia amount. It is the specific assertion of the petitioner that as matter of fact, the land is patta land and the compensation is required to be paid as per the provisions of the Land Acquisition Act which assertion is not being denied as of now by the respondents - authorities after verification of the records of the State. This is a case where the land came to be acquired and possession came to be taken over in the year 2012.

Taking into consideration all these aspects, the Revenue Divisional Officer, Mahabubabad, in his counter at para No.11 stated as under:

"I state that, this respondent had passed award on 01.07.2013 vide proceedings No.RC.No.A/294/2010. It is apparent from the content of the said award that though initially lands in Survey No.307/2 to an extent of Ac.0.11 ½ guntas, out of Acs.2.09 guntas, was requisition by the Requisitioning Authority and though initially draft notification was issued and same was drafted from land acquisition proceedings on the premise that the land in Survey No.307/2 is Government land/assigned land. Further it is also apparent from the record even other that the land in Survey No.307/2 is assigned land resumption proceedings were initiated by the Government for exemption of said lands from assignees. Even otherwise the said confusion was settled by the order passed by this Hon'ble Court in W.P.No.25380 of 2000, vide order dated 24.11.2005. For whatsoever reasons the said aspect of passing of the aforesaid orders by this Hon'ble Court was not brought to the notice to either by the then Collector of Warangal or to the Land Acquisition Officer prior to the passing of the award dated 01.07.2013. Thereby the lands under Survey No.30/2 were not part of the acquisition proceedings. As such no award was passed in respect of the said land."

In the light of the above stand of the State and considering the fact that the petitioner has been deprived of his just compensation from the year 2012 onwards, the Writ Petition is disposed of with a direction to the second respondent to ensure completion of process of issuance of notification under the provisions of Act 30 of 2013, determination of compensation and payment of the same, within a period of six months from the date of receipt of a copy of the order. It is needless to mention that as the

land was acquired for the purpose of formation of road under-bridge, at the instance of the fourth respondent, necessary requisition as may be needed for the State to initiate action, shall be issued to the State by the fourth respondent forthwith, so as to enable the second respondent to take appropriate steps by initiating acquisition proceedings. There shall be no order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

22.04.2019.

vhb

