

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

**TUESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY**

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION NO: 10955 OF 2020

Between:

Abdul Rauf, S/o. Late. Abdul Samad, Aged 65 years, Occ. Daily Wages Agriculture,
Dargah Mohalla, Sirpur - T Village and post, Mandal - Sirpur T, Komaram Bheem
Asifabad Adilabad district, Telangana state - 504299.

...PETITIONER

AND

1. The Principal Secretary, Revenue (L.A) Department, Telangana State.
2. The District Collector, Komaram Bheem Asifabad, Adilabad district- 504293
3. The Joint Collector, Komaram Bheem Asifabad, Adilabad district 504293
4. The Special Deputy Collector, Dr.B.R.Ambedkar Pranahita Project Unit-I,
Asifabad Adilabad district-504293
5. The Tahsildar, Koutala Mandal, Komaram Bheem Asifabad, Adilabad
District - 504299.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, Order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the petitioners representations made in person and written for grant of proper compensation for the subject land i.e. situated at Sy.No. 6/A, 13/a, 15, 21/A, Extent of about 17-73 Acres/cents in Tumidiheti village of Koutala mandal, Komaram Bheem Asifabad, Adilabad district, acquired under the Notice.No. G1/641/2017, dated. 2-5-2017 of the 2nd respondent under the L.A.Act, as illegal, arbitrary against the principles of natural justice and in violation of Articles 14, 21 and 300 - A of the Constitution of India and consequently direct the respondents granting proper compensation on par with market value for the subject land i.e situated at Sy.No. 6/A, 13/a, 15, 21/A, Extent of about 17-73 Acres/cents in Tumidiheti village of Koutala mandal, Komaram Bheem Asifabad, acquired under the Notice.No. G1/641/2017, dated. 2-5-2017 of the 2nd respondent under L.A. Act, in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents granting proper compensation on par with market value for the

subject land i.e. situated at Sy.No.6/A, 13/a, 15 , 21/A, extent of 17-73 Acres/Cents of the Tumidiheti village of Koutala Mandal, Komaram Bheem Asifabad Adilabad district, acquired under the Notice.No. G1/641/2017, Dated. 2-5-2017, of the 2nd respondent under the L.A. Act in the interest of justice.

Counsel for the Petitioner : SRI MD. VIKHARUDDIN AHMED

**Counsel for the Respondents: SRI ANDAPALLI SANJEEV KUMAR,
SPECIAL. GP FOR ADDITIONAL ADVOCATE GENERAL**

The Court made the following: ORDER

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No.10955 OF 2020

ORDER:

This Writ Petition is filed seeking writ of mandamus declaring the action of the respondents in not considering the petitioner's representation for grant of proper compensation on par with market value for the subject land to an extent of Acs.17.73 in Sy.No.6/A, 13/a, 15, 21/A situated at Tumidiheti Village of Koutala Mandal, Komaram Bheem, Asifabad, Adilabad District (subject land) acquired under notice No.G1/641/2017, dated 02.05.2017 of the 2nd respondent as illegal and arbitrary.

It is the case of the petitioner that he is the owner and possessor of the subject land; that the respondent Nos.1, 3 & 4 acquired the subject land under Section 11 of the Land Acquisition Act, 1894 vide Notice No.G1/641/2017, dated 02.05.2017, without granting proper compensation on par with the market value and that even though the petitioner personally made representation ventilating his grievance before the competent authority, the authorities failed to grant proper compensation for the subject land acquired by them under the Land Acquisition Act. Hence, present writ petition is filed.

Heard learned counsel for the petitioner, who submits that the petitioner has given consent for passing of the consent Award and that though the funds are available with the Land Acquisition Officer, the compensation is not being paid to the petitioner on par with the market value.

Sri Andapalli Sanjeev Kumar, learned Special Government Pleader appearing on behalf of learned Additional Advocate General, submits that though the petitioner consented for passing of consent

Award, but due to lack of funds, Award could not be passed and compensation could not be paid.

In this case, it is to be seen that the respondents have issued notification under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') and petitioner gave consent to the same. The respondents, after acquiring the land of the petitioner, could have passed consent award under Section 30A of Act and paid compensation within a period of eight weeks, but the respondents, are unnecessarily dragging on payment of compensation. The respondents, having issuing notification under Section 11 (1) of the Act, now cannot contend that they have no funds and compensation will not be paid.

Learned counsel for the petitioner submits that the petitioner has to give consent because petitioner has a daughter and her marriage is yet to be performed.

In view of above facts and circumstances, the 4th respondent is directed pass consent Award and pay the compensation to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any, pending in this Writ Petition, shall stand disposed of.

SD/-CH.VENKATESWARULU
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue (L.A) Department, Telangana State.
2. The District Collector, Komaram Bheem Asifabad, Adilabad district- 504293
3. The Joint Collector, Komaram Bheem Asifabad, Adilabad district 504293
4. The Special Deputy Collector, Dr.B.R.Ambedkar Pranahita Project Unit-I , Asifabad Adilabad district-504293
5. The Tahsildar, Koutala Mandal, Komaram Bheem Asifabad, Adilabad District - 504299.

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— Con't —

6. One CC to Sri Md. Vikharuddin Ahmed, Advocate [OPUC]
7. Two CCs to The Advocate General, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line and a small flourish.

HIGH COURT

DATED:04/08/2020

ORDER

WP.No.10955 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

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HMA
DT-25/8/2020