

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

W.A.No. 239 of 2008

JUDGMENT: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Parsa Ananth Nageshwar Rao, learned Government Pleader appearing on behalf of learned Government Pleader for Land Acquisition for the appellants and Mr. V.Satyam Reddy, learned counsel for the respondents.

2. This writ appeal is directed against the order dated 05.12.2006 passed by the learned Single Judge allowing W.P.No.27983 of 1995 filed by the respondents as the writ petitioners.

3. Respondents had filed the related writ petition assailing conditions (a), (b) and (d) of Para 5 of G.O.Ms.No.1307 dated 23.12.1993 of the Revenue (Assignment-I) Department, Government of Telangana, as being contrary to the provisions of Land Acquisition Act, 1894 as well as violative of their fundamental rights under Articles 14 and 21 of the Constitution of India besides being violative of Article 300A of the Constitution of India.

4. Learned Single Judge perused the impugned conditions and noted that by the aforesaid conditions, the State Government had ordered payment of only *ex gratia* amount to the assignees while clarifying that the assignees would not be entitled to claim benefits under Sections 28-A, 23(2) and 18 of the Land Acquisition Act, 1894 (briefly ‘the Act’ hereinafter). Learned Single Judge relied upon and referred to a Full Bench (7-Judge) decision of this Court in **Land Acquisition Officer v. Mekala Pandu**¹ wherein it was held as follows:

In the circumstances, we hold that the assignees of the government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act,

¹ 2004 2 ALD 451

1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.

5. Following the aforesaid decision, learned Single Judge held that respondents would be entitled to claim compensation as and when their lands are resumed for public purpose. When it was brought to the notice of the learned Single Judge that the Government had preferred appeal before the Supreme Court against the decision rendered in **Land Acquisition Officer v. Mekala Pandu** (supra), learned Single Judge clarified that mandamus issued would be subject to result of the civil appeal pending before the Supreme Court.

6. We have been informed at the bar that the civil appeal preferred by the State against the decision of this Court in **Land Acquisition Officer v. Mekala Pandu** (supra) has since been dismissed.

7. That being the position, we see no reason to entertain the present appeal. Writ Appeal is accordingly dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand dismissed.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

Date: 13.10.2022
LUR/SUS