

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.18666 OF 2020

ORDER:

This writ petition is filed by the petitioner to declare action of the respondents in issuing preliminary notification under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (for short 'Act 2013') dated 04.08.2018 to acquire an extent of Acs.415-05 guntas of land situated at Tadiparthi village, Yacharam Mandal, Ranga Reddy District, subsequent declaration under Section 19(1) of the Act 2013 and award enquiry notices dated 17.09.2020 and calling for objections for voluntary acquisition of lands belonging to her father Late Bokka Satyanarayana Reddy, who died intestate, through negotiations with respondent No.7 for an extent of Acs.4-27 guntas in Survey No.104 among 36 other land owners without considering the claim of the petitioner as co-sharer to settle the compensation amount despite pendency of suit in O.S. No.868 of 2015 on the file of IV Additional Senior Civil Judge,

Ibrahimpatnam, Ranga Reddy District, between them, as illegal and arbitrary.

2.1. The case of the petitioner is that she is aggrieved by the action of the respondents in initiating and continuing land acquisition proceedings without impleading her as co-sharer along with respondent Nos.7 and 8 in acquisition of the lands belonging to her father Late Bokka Satyanarayana Reddy, who died intestate, and also for an extent of Acs.4-27 guntas in Survey No.104 among 36 other land owners without considering the claim of the petitioner as co-sharer to settle the compensation amount despite pendency of suit in O.S. No.868 of 2015 on the file of IV Additional Senior Civil Judge, Ibrahimpatnam, Ranga Reddy District, between the petitioners and respondent Nos.7 and 8.

2.2. The petitioner submits that out of the total extent of Acs.415-05 guntas of the land acquired by the Government, an extent of Ac.1-37 guntas of land in Survey No.20 at Serial No.18, Ac.0-28 guntas of land in Survey No.40/A/1 at Serial No.38 and Ac.0-34 guntas in Survey No.41/12 at Serial No.39 belongs to her

father Bokka Satyanarayana Reddy and she is entitled to 1/4th share therein, however, name of respondent No.8 alone is shown as owner of those extents. For the land admeasuring Acs.8-00 in Survey No.146/E shown at Serial No.5 and Ac.0-20 guntas in Survey No.150 shown at Serial No.9 also, respondent No.8 was shown as owner.

2.3. The petitioner submits that her father was absolute owner, possessor and pattadar for a total extent of about Acs.30-00 in Survey Nos.20, 34, 40, 41, 104, 146 and 150. Her father inherited to the same through his ancestors. She is entitled to 1/4th share in her father's property and therefore, she filed suit in O.S. No.868 of 2015 and the same is pending. Pending the suit, the authorities issued acquisition proceedings and trying to acquire the land without consent of the land owners. Hence, this writ petition.

3.1. Respondent No.3 - the Revenue Divisional Officer, Ibrahimpatnam, Ranga Reddy District, filed counter. As per enjoyment survey and revenue records of Thadiparthi village, the preliminary notification was issued under Section 11(1) of the Act

2013 to an extent of Acs.415-05 guntas on 15.11.2018 in which the land admeasuring Acs.4-27 guntas in Survey No.104 is notified in the name of respondent No.7. Pursuant to negotiations with the pattadars of the land acquisition in the village, some pattadars came forward to sell their lands and accordingly consent awards have been passed and compensation was paid to them as per the agreement to an extent of Acs.185-01 guntas. Due to stay order of this Court in W.P. No.14111 of 2020, general award could not be passed.

3.2. It is further stated that as O.S. No.868 of 2015 is pending and there is a direction in this writ petition by the order dated 20.10.2020 not to disburse compensation amount in respect of the subject lands, the compensation amount will be deposited before the LA R&R Authority, Hyderabad as per Section 76 of the Act 2013.

4. Heard Mr. Chandra Sekher, learned counsel for the petitioner, Mr. Harender Pershad, learned Special Government Pleader for Land Acquisition, and Mr. T. Srujan Kumar Reddy,

learned counsel for respondent Nos.7 and 8, and perused the material on record.

5. The learned Special Government Pleader has submitted that as there are rival claims for compensation, the matter requires to be adjudicated before the LA R&R Authority under Section 76 of the Act 2013. The learned counsel for the petitioner and respondent Nos.7 and 8 have conceded to the submission of the learned Special Government Pleader.

6. In the circumstances, the writ petition is allowed directing the official respondents to refer the dispute in respect of the land admeasuring Ac.1-37 guntas in Survey No.20 at Serial No.18, Ac.0-28 guntas of land in Survey No.40/A/1 at Serial No.38, Ac.0-34 guntas in Survey No.41/12 at Serial No.39, Acs.8-00 in Survey No.146/E shown at Serial No.5 and Ac.0-20 guntas in Survey No.150 shown at Serial No.9 situated at Tadiparthi village, Yacharam Mandal, Ranga Reddy District, under Section 76 of the Act 2013 to the LA R&R Authority, Hyderabad. The authority

shall pass orders on the reference in accordance with law as expeditiously as possible. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

B. VIJAYSEN REDDY, J

August 3, 2022.

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