

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.26931 of 2022

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the respondents in interfering/dispossessing the 1st petitioner in respect of land to an extent of Ac.1.28 ½ guntas in Survey No.67/A/1/1/ and the 2nd petitioner in respect of land to an extent of Ac.0.22 guntas in Survey No.67/E/1/1/1/1, situated at Sangapur Village, Gajwel Mandal, Siddipet District, as arbitrary, illegal and consequently direct the respondents not to interfere/dispossess the petitioners from the aforesaid lands.

2. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing for the respondents.

3. When the matter is taken up for consideration, learned Assistant Government Pleader for Revenue placed before this Court the instructions received from respondent No.4 and the relevant portion of the said instructions reads as under:

“1. It is to submit that the land in Sy.No.67 admeasuring Ac.8.03 Gts situated at Sangapur Village of Gajwel mandal is classified as Patta Land.

2. Further it is to submit that a preliminary notification has been issued to an extent of Ac.6.06 Gts in Sy.No.67 of Sangapur Village of Gajwel Mandal U/s 11 (1) of the Act 30 of 2013 vide ROD Gajwel No.F/1272/2018 dated 30.01.2021 for construction of houses to the project affected families of Mallana Sagar reservoir.

3. Further it is to submit that land to an extent of Ac.1.04 $\frac{3}{4}$ Gts of the Petitioner No.1 and land to an extent of Ac.0-22 Gts of Petitioner No.2 in the said W.P has been notified for acquisition of land in the above said preliminary notification.

4. Further it is to submit that as contended by the petitioner that the respondents in the said W.P are interfering in their land is not correct and the respondent herein duly following the procedure laid down under the Act acquiring the lands for construction of houses PDF families of Mallana Sagar reservoir.

5. Further it is to submit that as contended by the petitioners they are not being disposed from their land and after following due procedure and paying of compensation the lands of the petitioner will be acquired.”

4. In the light of the above instructions placed before this Court, it is evident that the respondents have already issued notification under Section 11 (1) of the Act 30 of 2013

vide case No.F/1272/2018, dated 30.01.2021, whereby an extent of Ac-1-04 $\frac{3}{4}$ guntas of the 1st petitioner and an extent of Ac.0-22 gunta of the 2nd petitioner, is sought to be acquired by following the provisions of the Act 30 of 2013.

5. Learned counsel for the petitioners further submitted that the petitioners are not having any other land other than the land which is now proposed for acquisition, they intends to make an application for allotment of alternative land, instead of payment of compensation and sought liberty to make such an application to the respondents.

6. The apprehension of the petitioners is that the petitioners are going to be dispossessed from their patta lands, without following due process of law, appears to be not correct. Inasmuch as, notification under Section 11 (1) of the Act 30 of 2013 is already been issued, the respondents are directed to follow the provisions of the said Act, strictly and not to dispossess the petitioners, unless they are paid compensation, as required under the said Act. Further, liberty as sought by the learned counsel for the petitioners is granted and the petitioners are at liberty to submit a representation to the respondents for allotment of alterative land, instead of payment of compensation and on making any such application, the

respondents are directed to consider the same and pass appropriate orders, in accordance with law.

7. With the above direction, the Writ Petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

Date: 28.06.2022
YVL

MUMMINENI SUDHEER KUMAR, J