

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Petition No.24453 of 2021

ORDER:

The present writ petition is filed for the following relief:

“... the Hon’ble Court may be pleased to issue Writ, Order of direction more particularly one in the nature of Writ of Mandamus declaring the impugned Government Circular Memo.No.10874/LA/A2/2020, dated 11.01.2021 as being illegal, arbitrary, unjust and contrary to the Act and consequently set aside the same, and hold that the respondents ought to have acquired the lands of the petitioner to the extent of Ac.11.41 guntas situated in Upperlakesaram village of Ramagiri Mandal, Peddapalli District by way of passing consent award only which was following altogether by the Singareni Collieries Company Limited for the past several years in terms of Telangana Amendment Act, 2016 with all consequential benefits and pass such other orders or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri A. Ravinder Reddy, learned Senior Counsel, representing Sri D. Bala Krishna Rao, the learned counsel for the petitioner, and the learned Additional Advocate General appearing for the respondents. With their consent, the Writ Petition is disposed of at the stage of admission.

Learned Standing Counsel has stated, across the Bar, that they have already written to the Government seeking permission for passing of the Consent Awards.

Learned Additional Advocate General appearing on behalf of the Government has stated that in case the Hon'ble Court orders for passing of any Consent Award, the same will be complied with.

In the present case, the lands are sought to be acquired by the Government for the purpose of Singareni Collieries Company Limited-requisitioning authority and there cannot be any impediment for the Land Acquisition Officer to pass necessary Consent Awards if both the land loser and the requisitioning authority have no objection for passing of the Consent Awards.

The requisitioning authority-Singareni Collieries Company Limited is a Coal Company engaged in the process of extracting coal from the underground/open cast mines and large tracts of land parcels are needed for increasing the production of the coal to meet the increasing demands of the country. Unless and until the process of land acquisition is expedited, the targets set by the said Company cannot be met with. The best way of procuring the lands is through acquisition that too through negotiations with the land loser and passing of Consent Award if both the parties agree. The cumbersome process of acquiring land through passing a regular Award, paying compensation, seeking enhancement and other benefits may take years together

and will defeat the very purpose for which the lands are sought to be acquired in the first place.

Having regard to the same, the writ petition is allowed and the impugned Circular Memo, dated 11.01.2021, is set aside and the Land Acquisition Officer is directed to pass necessary Consent Awards wherever the land losers are having no objection for passing of the Consent Award or opting for the same. However, it is made clear that under the guise of this order, the authorities cannot insist for payment of land acquisition compensation only through the Consent Awards. Wherever the land losers do not agree for passing of the Consent Awards, they are free to approach the competent authority for passing of regular awards in accordance with law.

Miscellaneous petitions pending, if any, shall stand closed.
No costs.

A.ABHISHEK REDDY, J

Date : 23.08.2022
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