

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

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 23098 OF 2019

Between:

1. Syed Fareeduddin Ahmed Khan, S/o. Late Syed Sultan Naseeruddin Ahmed Khan, aged 60 years, Occ. Agriculture
2. Smt. Amtul Sadeqa, W/o. Syed Fareeduddin Ahmed Khan, 54 years, House wife

Both are R/o H.No.9-4-77/3/12A, Silver Apartments, Yousuf Tekdi, Toli Chowki, Hyderabad-500008

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue Department (Land Acquisition), Secretariat, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Special Officer (Land Acquisition) and Revenue Divisional Officer, Chevella Division, Chevella, Ranga Reddy District

...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 a Writ or Order or Orders or Direction mainly in the nature of Writ of mandamus declaring the inaction of the respondents in not passing the award in favour of petitioners as per the prevailing market value in respect of their land admeasuring Ac.5.00 in Sy.No. 190/19 and Ac.5.00 in Sy.No. 190/28 of Chandanvelli Village, Shabad Mandal, Chevella Division, RR District and for not considering their claims as per the documentary evidence as illegal, unjust, capricious, violative of Article 14, 16, 21 and 300-A of the Constitution of India, made thereunder and other statutory provisions of law beside in utter violation of principles of natural justice and consequently direct the respondents to consider the claims petitions dated 4-2-2019 submitted by the petitioners for payment of compensation for the 10 acres land acquired, by referring to the Authority constituted under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in the alternative to pay compensation as per the present market value for the entire land held by the petitioners

IA NO: 1 OF 2019

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 not to disburse the compensation in respect of petitioners land admeasuring Ac.5.00 in Sy.No. 190/19 and Ac.5.00 in Sy.No. 190/28 of Chandanvelli Village, Shabad Mandal, Ranga Reddy District to any third parties, pending disposal of main Writ Petition

Counsel for the Petitioner: Smt. A. ANASUYA

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.23098 of 2019

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition appearing for the respondents.

2. The case of the petitioners in this writ petition is that the father of the 1st petitioner was originally assigned land to an extent of Acs.5.00 guntas in Survey No.190/19, situated at Chandanavelli Village, Shabad Mandal, Chevella Division, Ranga Reddy District, and the same was mutated in the name of the 1st petitioner's father, which was succeeded by the 1st petitioner and he was also issued pattadar passbook with Khata No.252/044767. The 2nd petitioner also claims to have succeeded land to an extent of Acs.5-00 guntas from her father and she was also issued pattadar passbook and title deed bearing No.253/044768 in her name. The said entire extents of lands were sought to be acquired by the respondents, but the petitioners are being paid compensation only in respect of land to an extent of Acs.1.30 guntas each and the compensation in respect of the remaining extent of land is sought to be paid in



favour of third parties on the ground that they are found to be in possession of the said extent of land.

3. From a perusal of the material on record, *prima facie*, it is evident that the petitioners are shown to be the pattadars in respect of land to an extent of Acs.5.00 each in the above referred survey numbers. Therefore, the stand of the respondents that the compensation in respect of the land in possession of third parties would be paid to the said persons, and the petitioners are being paid compensation to the land which is in their possession, cannot be accepted. If that situation is allowed to take place on the ground that some third parties are in possession of the patta land of the petitioners and they are paid compensation at the discretion without there being any documentary proof to claim right and title over the subject property, the same would definitely lead to an arbitrary exercise of power. As there is dispute about the entitlement of compensation in respect of the balance extent of land in the above referred survey numbers, it would be appropriate for the respondents to refer the dispute in respect of disputed extent of land to a competent authority. As already noted above, there is no dispute about the entitlement of the petitioners to claim

compensation in respect of land to an extent of Acs.1.30 guntas each.

4. In the light of the above, this Court is of the considered view that it is not open for the respondents to conclude that the petitioners are not entitled for claiming compensation solely on the ground that they are not found to be in possession of the subject property and some third parties are in possession of the same.

5. In the circumstances, the writ petition is disposed of directing the respondents to pay compensation in respect of land to an extent of Acs.1.30 each to the petitioners, as the petitioners are entitled for such compensation undisputedly and to refer the matter to the Rehabilitation and Resettlement Authority under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act, 2013') insofar as balance extent of land is concerned within a period of four weeks from the date of receipt of a copy of this order. Once such reference is made under Section 64 of the Act, 2013, as directed above, the petitioners herein as well as the third parties shall be put on notice and the said authority shall

conduct necessary enquiry for deciding the entitlement of the petitioners or the said third parties to claim compensation in respect of the balance extent of land. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

GP
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department (Land Acquisition), Secretariat, State of Telangana, Hyderabad.
2. The District Collector, Ranga Reddy District.
3. The Special Officer (Land Acquisition) and Revenue Divisional Officer, Chevella Division, Chevella, Ranga Reddy District.
4. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana, at Hyderabad [OUT]
5. One CC to Smt. A. ANASUYA, Advocate [OPUC]
6. Two CD copies
B M
GJP

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HIGH COURT

DATED:16/11/2022

ORDER

WP.No.23098 of 2019



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9 copies
Sm
28/1/23