

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE FIRST DAY OF JUNE
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO:11867 of 2015

Between:

Kacharolla Lakshmananna s/o. Hanmanna

..... Petitioner

AND

- 1 The State of Telangana, rep. by its Principal Secretary, Irrigation Department, Secretariat, Hyderabad.
- 2 The Special Collector (L.A), Mahabubnagar.
- 3 The Land Acquisition Officer/ Special Deputy Collector (LA), RLISP Unit-I, Makthal, Makthal Mandal, Mahabubnagar District.

.....Respondents

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ order or direction more particularly in the nature of Writ of CERTIORARI and call for the records relating to and connected with the Award No.16/2005 dated 22-03-2007 made by the 3rd Respondent herein pursuant to the proceedings initiated under the provisions of the Land Acquisition Act, 1894 and to quash the proceedings to the extent of petitioner land admeasuring Ac.5-00 gts. in Sy. No.932 (new Sy. No. 932/2) of Makthal village and Mandal, Mahabubnagar district as lapsed in terms of sec.24(2) of the Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as the award in Award No.16/2005 dated 22-03-2007 made by the 3rd Respondent herein under the provisions of the Land Acquisition Act, 1894 is made more than five years prior to the commencement of the Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and as the physical possession has not been taken and compensation has not been paid;

WPMP. NO. 15683 OF 2015:

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to restrain the respondents from interfering with the peaceful possession and enjoyment of the petitioner over the land to the extent of land admeasuring Ac. 5-00 gts. in Sy. No. 932 (new Sy. No. 932/2) of Makthal Village and Mandal, Mahabubnagar District without due process of law, pending disposal of WP No. 11867 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri M.V.

Subba Reddy, Advocate for the Petitioner, and of the GP for Irrigation, (TG), for the Respondent No.1, and of the GP for Land Acquisition, (TG) for the Respondents No. 2 & 3, the Court made the following.

ORDER:

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“Petitioner questions the acquisition proceedings in Award No. 16 of 2005 dated 22-03-2007 made by the third respondent on the ground that neither possession is taken nor compensation is paid and that in view of Section 24 (2) of the Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 the award lapses.

The aforesaid requires determination.

GP for Land Acquisition as well as GP for Irrigation takes notice and seeks time to get instructions.

List after four (4) weeks.

Meanwhile, status quo, existing as on today, to continue.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Irrigation Department, State of Telangana, Secretariat, Hyderabad.
2. The Special Collector (L.A), Mahabubnagar.
3. The Land Acquisition Officer/ Special Deputy Collector (LA), RLISP Unit-I, Makthal, Makthal Mandal, Mahabubnagar District. (addressees 1 to 3 BY RPAD)
4. Two CCs to GP for Land Acquisition (TG), High Court Buildings, Hyderabad (OUT)
5. Two CCs to GP for Land Acquisition (TG), High Court Buildings, Hyderabad (OUT)
6. One CC to Sri M.V. Subba Reddy, Advocate (OPUC)
7. One Spare Copy

HIGH COURT

AB

DRAFTED ON 02-06-2015

VVAJ

DATE: 01-06-2015

ORDER

WP. NO. 11867 OF 2015

STATUS QUO