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

MONDAY ,THE NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 91 OF 2024

Between:

Mrs. Sunkati Sailaja, W/o. S.Venkateswara Rao, aged about 55 years, R/o. Flat No. 613/A Usha Enclave, Navodaya Colony, Yellareddyguda, Hyderabad-500073.

...PETITIONER

AND

1. State of Telangana, Rep by its Secretary Department of Revenue Secretariat, Hyderabad.
2. Committee for Land Acquisition(Negotiation), Rep by its Chairman The Joint Collector Ranga Reddy District.
3. District Collector, Ranga Reddy District at Hyderabad.
4. Revenue Divisional Officer, East Ranga Reddy District, Hyderabad.
5. Tahsildar, Kandukuru Mandal Kandukuru, Ranga Reddy District Hyderabad
6. Zonal Manager, Rep by its Member/Convener of TSIIC Shamshabad Zone, TSIIC
7. Telangana State Industrial Infrastructure Corporation(TSIIC), Rep by its Chairman and Managing Director 6th Floor Parrishram Bhavan Basheerbagh, Hyderabad.
8. T.Bharathamma, w/o Late T.Pentaiah, aged 63 years, Occ. Agriculturist, r/o Utlapalli Village, Muchcherla Revenue Village, Kandukuru Mandal, Ranga Reddy District, Hyderabad.

...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 an appropriate Writ. Order or direction, more particularly one in the nature of Mandamus declaring the action of the Respondent No.1 to 7 in seeking to pay compensation exclusively to the Respondents No.8 without out considering the Sale Agreement dated 30/06/2006 as illegal, arbitrary and unconstitutional

IA NO: 1 OF 2024

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 issue direction to the Respondents 1 to 7 to not disburse the compensation as per Notification vide Lr.No.LC3/3078/2016-Mucherla-Kandukur dated 20-09-2016 to the Respondent No.8, pending disposal of the Writ Petition

(Prayer is amended as per C.O. dated 12/01/2024 in IA No. 2/2024)

IA NO: 3 OF 2024

Between:

T.Bharathamma, w/o Late T.Pentaiah, aged 63 years, Occ. Agriculturist, r/o Utlapalli Village, Muchcherla Revenue Village, Kandukuru Mandal, Ranga Reddy District, Hyderabad.

.....PETITIONER/RESPONDENT No.8

AND

1. Mrs. Sunkati Sailaja, W/o. S.Venkateswara Rao, aged about 55 years, R/o. Flat No. 613/A Usha Enclave, Navodaya Colony, Yellareddyguda, Hyderabad-500073.

...RESPONDENT/PETITIONER

2. State of Telangana, Rep by its Secretary Department of Revenue Secretariat, Hyderabad.
3. Committee for Land Acquisition(Negotiation), Rep by its Chairman The Joint Collector Ranga Reddy District.
4. District Collector, Ranga Reddy District at Hyderabad.
5. Revenue Divisional Officer, East Ranga Reddy District, Hyderabad.
6. Tahsildar, Kandukuru Mandal Kandukuru, Ranga Reddy District Hyderabad
7. Zonal Manager, Rep by its Member/Convener of TSIIC Shamshabad Zone, TSIIC
8. Telangana State Industrial Infrastructure Corporation(TSIIC),

Rep by its Chairman and Managing Director 6th Floor Parrishram Bhavan Basheerbagh, Hyderabad.

...RESPONDENTS/RESPONDENTS 1-7

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

vacate the interim stay granted in I.A. No.1 of 2024 in W.P. No.91 of 2024 dated 12.01.2024 and dismiss the Writ Petition with costs in the interest of justice

Counsel for the Petitioner: Ms. KATTA SRAVYA

Counsel for the Respondent Nos. 1to5: GP FOR REVENUE

Counsel for the Respondent Nos. 6&7: SRI L. PRABHAKAR REDDY, SC FOR TTSIIC

Counsel for the Respondent No.8: SRI T.S. PRAVEEN KUMAR REP Ms. MANJIRI S. GANU

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.91 OF 2024

ORDER:

Heard learned Counsel for the petitioner, learned Government Pleader appearing for respondent Nos.1 to 4, Sri L. Prabhakar Reddy, learned Standing Counsel appearing for respondent Nos.6 and 7, Sri T.S. Praveen Kumar, learned Counsel appearing for respondent No.8 and perused the record.

2. The case of the petitioner, in brief, is that the husband of the 8th respondent had entered into an agreement of sale dated 30.06.2006 with the petitioner for sale of his land admeasuring Ac.5.12 gts. in Sy. No.155/33 (kasra pahani Sy. No.155/6) situated at Mucherla village, Kandukur Mandal, Ranga Reddy District; that the husband of the 8th respondent had deceased on 17.11.2009; that pending execution of the sale deed, the petitioner was put in possession of the subject land; and that the petitioner taking advantage of the subject land being acquired by the respondent authorities for the benefit of respondent Nos.6 and 7 is seeking to claim compensation amount in respect of the said land which she is not entitled.

3. It is also the further contention of the petitioner that due to non-execution of formal sale deed in her favour by the 8th respondent's husband during his life time, the subject land stands in the name of the 8th respondent's husband and for the said reason, the respondent authorities have shown the name of the husband of the 8th respondent in the land acquisition proceedings initiated and also the Award passed on 28.11.2022; that for the said reason the petitioner had approached the respondent authority and submitted representation bringing to the notice of the authorities the aforesaid facts and sought for not disbursing the compensation amount to the 8th respondent in furtherance of the Award dated 28.11.2023 and that inspite of the petitioner bringing the above facts to the notice of the respondent authorities, they are proceeding to disburse the compensation amount in respect of the subject land in favour of the 8th respondent, which action it is contended is highly illegal and arbitrary.

4. Counter-affidavit on behalf of the official respondents is not filed. Counter-affidavit on behalf of the 8th respondent is filed.

5. Learned Government Pleader for Land Acquisition however, submits that the respondent authorities having passed an Award and noting the objection made by the petitioner, have made a reference as to the apportionment of the compensation amount to the authority in exercise of powers under Section 77(2) of the Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), as the respondent authority cannot go into title disputes.

6. Learned Government Pleader further submits that the authorities have made reference under Section 77 of the Act to the authority constituted under Section 64 of the Act on 02.08.2024 by depositing the amount of compensation payable in respect of the land admeasuring Ac.5.12 gts. in Sy. No.155/3 of Mucherla revenue village, Kandukur Mandal for the said authority under Section 64 of the Act to decide as to the apportionment of the said compensation amount between the petitioner and the 8th respondent herein.

7. The 8th respondent by the counter-affidavit had denied the writ averments as to the execution of the sale agreement and the petitioner being put in possession of the subject land

and thus being entitled to claim compensation amount pursuant to the acquisition proceedings initiated by the respondents and the Award passed thereafter on 28.11.2022.

8. I have taken note of the respective contentions urged.

9. Admittedly there is an *inter se* dispute between the petitioner and the 8th respondent in relation to the subject land which has been acquired by the respondent authorities by initiating land acquisition proceedings by issuing preliminary notification under Section 11 of the Act on 20.09.2016 which culminated with passing of Award dated 28.11.2022.

10. Under the provisions of the Act, whenever there is a dispute with regard to the person entitled to receive compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the authority is required to make a reference by depositing the compensation with the authority under Section 64 of the Act. In the facts of the present case, since there is a dispute relating to apportionment of the compensation amount between the petitioner and the 8th respondent, the acquisition authority is required to deposit the

amount of compensation with the authority under Section 64 of the Act, so that the said authority would adjudicate as to the entitlement between the rival claimants. Though the respondent authority was required to undertake the aforesaid exercise on passing of the Award on 28.11.2022 by depositing the amount, the acquisition authority did not undertake such exercise immediately. However, as it is now submitted to the Court that the acquisition authority having deposited the compensation amount with the authority under Section 64 of the Act by exercising powers the authority under Section 77 of the Act, and the Authority under Section 64 of the Act being seized of the matter in relation to adjudication as to the rival claim between the petitioner and the 8th respondent, this Court is of the view that grievance of the petitioner not to disburse the compensation amount to 8th respondent stands addressed.

11. Since the respondent authorities have already deposited the amount with the authority constituted under Section 64 of the Act, it is open for the petitioner to establish her claim before the authority as to her entitlement/claim to receive the compensation amount in respect of the land acquired by the respondent under the Award dated 28.11.2022.

12. Subject to the above observation and direction, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

SD/-S. MALLIKARJUNA RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

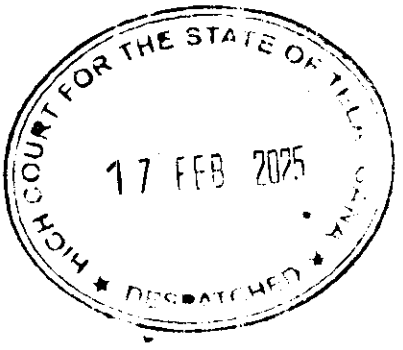
To,

1. The Secretary Department of Revenue Secretariat, T.S.,Hyderabad
2. The Chairman ,Joint Collector Committee for Land Acquisition(Negotiation), Ranga Reddy District.
3. District Collector, Ranga Reddy District at Hyderabad.
4. Revenue Divisional Officer, East Ranga Reddy District, Hyderabad.
5. Tahsildar, Kandukuru Mandal Kandukuru, Ranga Reddy District Hyderabad
6. Zonal Manager, Rep by its Member/Convener of TSIIC Shamshabad Zone, TSIIC
7. The Chairman and Managing Director ,Telangana State Industrial Infrastructure Corporation(TSIIC), 6th Floor Parrishram Bhavan Basheerbagh, Hyderabad.
8. One CC to Ms. KATTA SRAVYA, Advocate [OPUC]
9. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana at Hyderabad [OUT]
10. One CC to SRI. L. PRABHAKAR REDDY, SC FOR TSIIC[OPUC]
11. One CC to Ms. MANJIRI S. GANU, Advocate [OPUC]
12. Two CD Copies

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BS

HIGH COURT

DATED:09/12/2024



ORDER

WP.No.91 of 2024

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

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13/02/25