

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY ,THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT APPEAL NO: 684 OF 2014

Writ Appeal under clause 15 of the Letters Patent appeal preferred against the order dt.11-03-2014 in WP.No.600 of 2011. on the file of the High Court.

Between:

Kududula Laxmi, W/o. Laxmaiah, aged about 45 years, Occupation Agriculture, R/o. Varadavelli Village, Boinipalli Mandal, Karimnagar District.

...APPELLANT/WRIT PETITIONER

AND

1. The District Collector Land Acquisition , (LA), Karimnagar District, Karminagar
2. The Land Acquisition Officer - cum - Revenue, Divisional Officer, Sircilla, District Karimnagar.

...RESPONDENTS/RESPONDENTS

I.A. NO: 1 OF 2014(WAMP. NO: 1469 OF 2014)

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 dispossess the petitioner from the land admeasuring Ac. 2-23 guntas in Sy. No 51 of Varadavelli Village, Boinipally Mandal, Karimnagar District pending disposal of the writ appeal

Counsel for the Appellant: M/s. BHARADWAJ ASSOCIATES

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT APPEAL No.684 of 2014

JUDGMENT: (per the Hon'ble the Chief Justice Alok Aradhe)

None for the parties.

2. This intra court appeal emanates from an order dated 11.03.2014 passed by the learned Single Judge by which Writ Petition No.600 of 2011 preferred by the appellant has been dismissed.

3. Facts giving rise to filing of the appeal briefly stated are that appellant and her husband were owners of land measuring Acs.7.23 guntas in Survey No.51 of Vardavelli Village. Out of the aforesaid land, the appellant is the owner of land measuring Acs.2.23 guntas. The aforesaid land along with other lands approximately measuring Acs.103.14 guntas was required for rehabilitating the project displaced families of Mid Manair Reservoir.

4. It is the case of the appellant that the appellant and her husband agreed for acquisition of 5 acres of land provided the

respondents agree to not to acquire the land measuring Acs.2.23 guntas. According to the appellant, consent award in respect of land measuring Acs.5.00 was passed. Thereafter, a notification dated 13.09.2008 under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), was issued which was followed by a declaration under Section 6 of the Act dated 13.11.2008. Thereafter, an Award was passed on 29.11.2010.

5. The appellant was served with the notice of the Award under Section 12(2) of the Act on 10.12.2010. The appellant thereafter obtained the copy of the Award and has filed the Writ Petition challenging the validity of the notification under Section 4(1) of the Act dated 13.09.2008, declaration under Section 6 of the Act dated 13.11.2008 and Award dated 29.11.2010. The learned Single Judge by an order dated 11.03.2014 has dismissed the Writ Petition. In the aforesaid factual background, this Writ Appeal has been filed.

6. None has appeared for the parties. Therefore, this Court has perused the record.

7. The Award dated 29.11.2010 has been challenged on behalf of the appellant primarily on the ground that the same was passed beyond the period of two (2) years from the date of publication of declaration under Section 6 of the Act.

8. Admittedly, the notification under Section 4(1) of the Act was issued on 13.09.2008. Thereafter, the declaration under Section 6 of the Act was issued on 13.11.2008. However, the substance of the notification was published in the locality only on 30.11.2008. Thereafter, the Award was approved on 29.11.2010 and has been passed on the same day. Thus, the Award has been made within a period of two (2) years as contemplated under Section 11A of the Act. Therefore, the contention urged on behalf of the appellant that the land acquisition proceeding is lapsed under Section 11A of the Act is misconceived. We have perused the order passed by the learned Single Judge. We are in agreement with the view expressed by the learned Single Judge that the land belonging to the appellant measuring Acs.2.23 guntas could not have been excluded from acquisition as the same was situated

contiguous to the lands already acquired and the land belonging to the appellant has been acquired in consonance with the provisions of the Act.

9. For the aforementioned reasons, we do not find any merit in the Writ Appeal.

10. Accordingly, the Writ Appeal fails and is hereby dismissed.

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

//TRUE COPY//

SD/-V.HARI PRASAD
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana, at Hyderabad [OUT]
2. One CC to M/s. BHARADWAJ ASSOCIATES, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

**HCJ &
JAK,J**

DATED:04/04/2024



ORDER

WA.No.684 of 2014

DISMISSING THE WRIT APPEAL WITHOUT COSTS

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by
21/7/24