

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

**TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 36872 OF 2024

Between:

K. Vittal Reddy, S/o. Late Ganga Reddy, Aged about 74 years, Occ. Business, R/o. H. No. 2-96, Kandlakoi (Village), Medchal (Mandal), Medchal - Malkajgiri (District), Telanagana (State) - 501 401.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Saifabad, Hyderabad-500022.
2. Hyderabad Metropolitan Development Authority, Represented by its Metropolitan Commissioner, Nanakramguda, Hyderabad-500 008.
3. The Project Director / Managing Director, Outer Ring Road Project, Hyderabad Metropolitan Development Authority, Nanakramguda, Hyderabad-500 008.
4. The Special Deputy Collector (L.A.), Unit-V, Outer Ring Road Project, Hyderabad Metropolitan Development Authority, Nanakramguda, Hyderabad-500 008.

...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 pass an order or orders more particularly in the nature of writ of Mandamus thereby declaring the action of Respondent No. 4 in not passing any award in respect of two house sites admeasuring 329 Sq. Yards in Survey No.54 and 605 Sq. yards in Survey No. 43 of Kandlakoi (Village), Medchal (Mandal), Medchal-Malkajgiri (District) which was acquired by Respondents for formation of Outer Ring Road on 22.04.2009 and not following the orders of the Hon'ble High Court and subsequently coercing the Petitioner to forego the date of Possession of land i.e. 22.04.2009 and also to not press the sale deed vide Document No. 17846 of 2021 dated 09.12.2021 as entitled under section 26 and 97 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, arbitrary, against the principles of Natural Justice and in violation of Article 14, 19, 21 and 300A of the Indian Constitution

and subsequently direct the Respondents to pass an Award considering the interest payments from the date of possession i.e. 22.04.2009 and to consider the Sale Deed vide Document No. 17846 of 2021 dated 09.12.2021 as per Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

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 direct the Respondents, herein neither to coerce the Petitioner to forego interest from the date of Possession of land i.e. 22.04.2009 and nor to not press the Sale Deed vide Document No. 17846 of 2021 dated 09.12.2021 as per section 26 and 97 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and to pass an award pending disposal of the main writ petition

Counsel for the Petitioner: SRI L. RAVI CHANDER REP., FOR SRI. MAYUR MUNDRA

Counsel for the Respondent No.1: GP FOR MCPL ADMN URBAN DEV

Counsel for the Respondent Nos.2 to 4: Smt. D. MADHAVI SC FOR HMDA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.36872 of 2024

ORDER:

Heard Sri L.Ravi Chander, learned Senior Counsel appearing through Hybrid Mode representing Sri Mayur Mundra, learned counsel for the petitioner, learned Government Pleader for MA & UD appearing for respondent No.1, and Smt.D.Madhavi, learned Standing Counsel, appearing for respondent Nos.2 to 4 and with the consent of the learned counsel appearing for the parties, the Writ Petition is taken up for hearing and disposal at the admission stage.

2. Shorn of unnecessary details, the case of the petitioner, in brief, is that the land acquisition awards passed by the respondents-authorities on earlier occasions dt.26.11.2022 and 25.01.2023 having been set aside by this Court on 09.12.2022 and 29.08.2023, the authorities have initiated proceedings afresh and enquiry hearing was held on 14.03.2024 and 22.07.2024.

3. Petitioner further contends that pursuant to the respondents-authorities conducting enquiry hearing on the aforementioned dates, the petitioner has filed written submissions on the same day of the hearing taking all the available pleas open to him in law and in spite of more than five months having been passed by, no award has been passed till date by considering the written submissions filed by him, despite specific direction

of this Court in a Writ Petition, *vide* W.P.No.10551 of 2023 dt.29.08.2023, to pass an award afresh within a period of one month from the date of receipt of a copy of the order, which action, it is contended is highly illegal and arbitrary and contrary to the direction of this Court.

4. *Per contra*, learned Standing Counsel appearing on behalf of respondent Nos.2 to 4 submits that the present Writ Petition as filed is premature, since the respondents-authorities pursuant to the direction of this Court in W.P.No.10551 of 2023 have initiated proceedings afresh and have conducted award enquiry and hearing on 14.03.2024 and 22.07.2024, and the authorities would pass award by considering the objections raised by the petitioner at the time of personal hearing as well as in the written submissions filed.

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

6. This Court, while disposing of the Writ Petition, *vide* W.P.No.10551 of 2023, had directed the respondents-authorities to pass an award within a period of one month from the date of receipt of a copy of the order. However, the reason for the authorities not passing the award afresh as directed by this Court, as by stating that is on account of the General Elections to the State Assembly as well as the Parliament and also change in the officials.

7. However, without going into the above aspect of not passing the award within the time period as directed by this Court, since, It is stated that the authorities are seized of the matter having issued award enquiry notices to the petitioner and also having held hearing on 14.03.2024 and 22.07.2024, duly attended by the petitioner, this Court is of the view that the respondents-authorities are to be directed to pass an award on or before 31.01.2025, considering the fact that the petitioner's land was acquired for the purpose of formation of Outer Ring Road, which acquisition was upheld by the Hon'ble Supreme Court in ***M/s. Jayabheri Properties Pvt. Ltd. & Ors v/s. State Of Andhra Pradesh & Ors¹*** and ***Hyderabad Urban Development Authority (HUDA) v/s. S.B.Kirloskar²*** in the larger public interest and the petitioner being dispossessed from the aforesaid land pursuant to acquisition undertaken.

8. Subject to above direction, the Writ Petition is disposed of. No order as to costs.

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

12010(5) SCC 590
2 LAWS (SC) - 2018-9-162 = (2020) 15 SCC 449
||TRUE COPY||

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Saifabad, Hyderabad-500022.
2. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Nanakramguda, Hyderabad-500 008.
3. The Project Director / Managing Director, Outer Ring Road Project, Hyderabad Metropolitan Development Authority, Nanakramguda, Hyderabad-500 008.

Copy

4. The Special Deputy Collector (L.A.), Unit-V, Outer Ring Road Project, Hyderabad Metropolitan Development Authority, Nanakramguda, Hyderabad-500 008.
5. One CC to SRI. MAYUR MUNDRA Advocate [OPUC]
6. One CC to Smt. D. MADHAVI SC FOR HMDA Advocate [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana. [OUT]
8. Two CD Copies

KKS
BSK





HIGH COURT

DATED:31/12/2024

ORDER

WP.No.36872 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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11/07/2025