

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
TUESDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
IA No. 1 OF 2021
IN
WP NO: 23738 OF 2017**

Between:

Sada Sudhakar Reddy, S/o. Sri. S. Malla Reddy.

...Petitioner

(Petitioner in WP 23738 OF 2017
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary, General Administration Department, Secretariat, Hyderabad.
2. The Project Director, Outer Ring Road and Special Collector (Land Acquisition), Hyderabad Urban Development Authority, Tarnaka, Hyderabad.
3. The Special Deputy Collector (LA), Unit-V, ORR Project, HUDA, Tarnaka, Hyderabad.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner: SRI M. NARENDER REDDY, Senior Counsel appearing for SRI M SRIKANTH REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR LAND ACQUISITION (TG)

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 to pay compensation at the rate as fixed by the Hon'ble Supreme Court in the order dt: 13/09/2018 in Civil Appeal No.6451/2016 to the Petitioner for the lands Ac. 4-15 ½ guntas in Sy.No. 46, 48 and 49 of Kandlakoi Village, Medchal Mandal, Medchal District, acquired for the purpose of the Outer Ring Road pursuant to the notifications under Section 4(1) of the Land Acquisition Act, 1894 dated 16/04/2005 and 08/07/2005, pending disposal of WP.No.23738 of 2017, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents to initiate land acquisition proceedings to acquire the land admeasuring Acs.4.15½ gts situated in Survey Nos.46, 48 and 49 of Kandlakoi Village, Medchal Mandal, Malkajgiri District, which was acquired for the purpose of construction in formation of Outer Ring Road by the respondents.

The third respondent filed counter affidavit stating that there is no necessity of initiating fresh acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the Act, 2013" for brevity) and in terms of the order passed by the Hon'ble Apex Court in Civil Appeal No.6451/2016 dated 13.09.2018, the petitioner is entitled for compensation amount of Rs.2,42,46,550/-.

However, Mr. M.Narender Reddy, learned Senior Counsel appearing for the petitioner, contended that the petitioner is entitled for payment of compensation under the provisions of the Act, 2013 and also contended that the petitioner is not the party to the order passed by the Hon'ble Apex Court in Civil Appeal No.6451/2016 and as such, the right of the petitioner for payment of compensation under the Act, 2013 cannot be curtailed by placing reliance on the order passed by the Hon'ble Apex Court dated 13.09.2018 in Civil Appeal No.6451/2016.

Taking into consideration the facts and circumstances of the case and especially the contention in the counter affidavit that the petitioner is entitled for compensation amount of Rs.2,42,46,550/-, pending final disposal of the main Writ Petition, the respondents 2 and 3 are directed to pay the admitted amount of Rs.2,42,46,550/- to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order.

SD/- K. SREERAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, General Administration Department, State of Telangana, Secretariat, Hyderabad.
2. The Project Director, Outer Ring Road and Special Collector (Land Acquisition), Hyderabad Urban Development Authority, Tarnaka, Hyderabad.
3. The Special Deputy Collector (LA), Unit-V, ORR Project, HUDA, Tarnaka, Hyderabad.
(for addresses 1 to 3 By RPAD)
4. One CC to SRI. M SRIKANTH REDDY Advocate [OPUC]
5. Two CCs to GP FOR LAND ACQUISITION (TG), High Court Of Judicature at Hyderabad. [OUT]
6. One spare copy

HIGH COURT

MSK.J

DATED:28/03/2023

Note: Post on 12.06.2023 'for final hearing'.

ORDER

I.A.No.1 of 2021

In

WP.No.23738 of 2017

DIRECTION

