

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

THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 14355 OF 2021

Between:

1. Vemula Laxman Rao, S/o. late Vemula Venkateshwara Rao, Aged about 72 years, Occ- Senior Citizen R/o. H.No.1-2-59/2, Subhashnagar, Mahaboobnagar Town and District.
2. Koramani Sambhashivudu, S/o. K. Chandraiah, Aged about 48 years, Occ-Business, R/o.H.No.2-97, Ward No.3, Yenugonda, Mahaboobnagar District

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (LA) Department, Secretariat, Hyderabad.
2. The District Collector, Land Acquisition, Mahaboobnagar District At Mahaboobnagar.
3. The Land Acquisition Officer cum Revenue Divisional Officer, Mahaboobnagar Revenue Division, At Mahaboobnagar Town and District.
4. The Tahsildar, Mandal Revenue Office, Mahaboobnagar Urban Mandal, Mahaboobnagar District.

...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 a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the award Proc.No.F/12629/2017, dated-31/07/2019 passed by the 3rd Respondent to the extent of the lands of the Petitioners in Sy.No. 84,85 and 89 situated at Yenugonda Village, Mahaboobnagar Mandal (Urban), Mahaboobnagar District were shown at S1.No.234, 235 and 245 in the list of the lands which is illegal, arbitrary, malafide and discriminative and violation of the object of the Act. 30 of 2013 and

consequently to set aside the same by directing the Respondents to pay the compensation to the lands acquired by the Respondents on sq.yds. basis.

IA NO: 1 OF 2021

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 consider the representation of the Petitioners dated-18/08/2020 for review in the award.

Counsel for the Petitioners: SRI J.KANAKAIAH

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SARATH**W.P.Nos.14355 of 2021****ORDER:**

This writ petition is filed with the following prayer:

“ to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS to declare the award Proc. No.F/12629/2017 dated 31.07.2019 passed by the 3rd Respondent to the extent of the lands of the Petitioners in Sy. Nos.84, 85 and 89 situated at Yenugonda Village, Mahaboobnagar Mandal (Urban), Mahaboobnagar District were shown at S1.No.234, 235 and 245 in the list of the lands which is illegal, arbitrary, malafide and discriminative and violation of the object of the Act 30 of 2013 and consequently to set aside the same by directing the Respondents to pay the compensation to the lands acquired by the Respondents on sq. yds basis”.

2. Learned counsel for the petitioners submits that the petitioner No.1 is the absolute owner of the land to an extent of Ac.00.04 gts in Sy.No.84, Ac.01.04 gts in Sy.No.85 and Ac.02.04 gts in Sy.No.89, total Ac.03.12 gts and he entered into an agreement of sale with the petitioner No.2. The petitioners obtained conversion proceedings from the competent authority by paying the requisite fee and the said land was divided into house plots by laying roads and fixing the boundary stones into plots and approved layout in the year 2013.

In the meanwhile, the respondent No.3 issued notification dated 23.07.2017 proposing to acquire the lands for formation of the bypass road and the land of the petitioners was shown along with the other lands. The respondent No.4 insisted the petitioners to give consent for acceptance of the compensation to be paid on acre basis, for which they have refused. Learned counsel submits that the petitioner No.1 gave consent letter dated 11.03.2019 on behalf of his brother for the land to an extent of Ac.1-11 gts in Sy.No.92 to receive compensation. He submits that though the petitioners made representations on 09.07.2018 and 18.08.2020 to the respondents for payment of compensation on sq.yard basis, without considering the same the respondent No.3 passed the award on 31.07.2019 and paid compensation to the plot owners of the adjacent lands, which is illegal and arbitrary and requested to allow the writ petition.

3. Learned Government Pleader for Land Acquisition for the respondents based on the counter averments submits that as per Form C Notification, the lands in Sy.Nos.84, 85 and 89 are shown as patta lands, which were notified in the name of the petitioner No.1 as per the revenue records of Yenugonda Village, Mahabubnagar (Urban) Mandal of Mahabubnagar District and the District Level Negotiation Committee has approved the rates at the rate of Rs.12,00,000/- per acre. The petitioner No.1 filed application dated 11.03.2019 before the Revenue Divisional Officer, Mahabubnagar expressing his willingness as per the said rate and accordingly, the respondent No.3 passed the consent award dated 31.07.2019 treating the said lands as agricultural lands and the total amount of compensation is fixed at Rs.25,20,000/- to the petitioner No.1. Learned Government Pleader submits that as the petitioner No.1 himself gave consent to receive the compensation on acre basis,

there are no merits in the writ petition and requested to dismiss the same.

4. Having heard the submissions of both sides and perusal of the record, this Court is of the considered view that the total land admeasuring Ac.03.12 gts in Sy.Nos.84, 85 and 89 of the petitioner was acquired by the respondents for the purpose of formation of bypass road and the respondent No.3 passed award on 31.07.2019 fixing compensation on acre basis and paid compensation to the adjacent plot owners. The petitioners gave representations to the respondents to consider their house plots for payment of compensation on sq. yard basis.

5. The contention of the respondents is that the petitioner No.1 gave consent letter dated 11.03.2019 to receive the compensation as per the rate fixed by the District Level Negotiation Committee @ Rs.12,00,000/- per acre and thereafter, the award was passed on 31.07.2019. A perusal of the consent letter shows that

the petitioner No.1 being brother/agent of one Rama Rao gave consent to the land to an extent of Ac.1-11 gts in Sy.No.92 to receive compensation as per the prevailing market rate, but no consent letter was given with respect to the subject lands in Sy.Nos.84, 85 and 89 belonging to him. However, his representation dated 18.08.2020 is pending before the respondent No.2.

6. In view of the above, the Writ Petition is disposed of directing the respondent No.2 to dispose of the representation of the petitioners dated 18.08.2020 under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 without taking into account the consent letter given by the petitioner No.1 on 11.03.2019 for the land admeasuring Ac.1-11 gts in Sy.No.92 situated at Yenugonda Village, Mahabubnagar Urban Mandal and District, within /

eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Miscellaneous Applications, if any pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/- G. SIREESHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (LA) Department, Secretariat, Hyderabad, State of Telangana.
2. The District Collector, Land Acquisition, Mahaboobnagar District At Mahaboobnagar.
3. The Land Acquisition Officer cum Revenue Divisional Officer, Mahaboobnagar Revenue Division, At Mahaboobnagar Town and District.
4. The Tahsildar, Mandal Revenue Office, Mahaboobnagar Urban Mandal, Mahaboobnagar District.
5. One CC to SRI J.KANAKAIAH, Advocate [OPUC]
6. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR
GJP

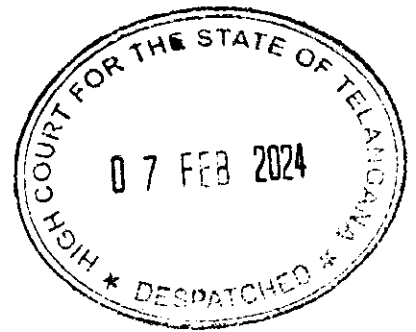


HIGH COURT

DATED: 28/12/2023

ORDER

WP.No.14355 of 2021



**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

(10) Copies
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