



2024:TSHC:42074
[3296]

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

THURSDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 15789 OF 2009

Between:

1. Jai Prakash Singh, S/o.B.P.Singh, Aged about 35 years, R/o.D.No.9-188, Brindavan Colony, Balapur X Roads, Post Vaishali nagar, Hyderabad-79.
2. Satya Prakash Singh, S/o.B.P.Singh, aged about 32 years, R/o.D.No.9-188, Brindavan Colony, Balapur X Roads, Post Vaishali nagar, Hyderabad-79.

...PETITIONERS

AND

1. The Special Deputy Collector, Land Acquisition (Industries), Government of Andhra Pradesh, Tank Bund Road, Hyderabad.
2. State of Andhra Pradesh, represented by its Secretary, Transport, Roads and Buildings Department, Secretariat, Hyderabad.
3. Research Centre Imarat (RCI), Research and Development Organisation, Ministry of Defence, Government of India, P.O. Vignan Kanchar, Hyderabad - 69, represented by its Director.

...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 of Mandamus or any other appropriate Writ, order or orders direction or directions declaring the Award passed by the 1st Respondent in No.D/189/1994 dated 31.10.2006 as illegal, contrary to law and also violative of the Articles 14, 21 and 300A of the Constitution of India in so far as the acquisition of the land in Sy.No. 35 of R.C.I. Main Road, Roshandowla Village, Saroornagar Mandal, R.R. District and to direct the Respondents not to interfere with the peaceful possession and enjoyment of the petitioners of their land situated in Sy.No. 35 of R.C.I. Main Road, Roshandowla Village, Saroornagar Mandal, R.R. District.



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I.A. NO: 1 OF 2009(WPMP. NO: 20718 OF 2009)

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 direct the 3rd respondent not to alter the nature of the land in any manner situated in Sy.No.35. R.C.I. Main Road, Roshadowla Village, Saroornagar Mandal, R.R. District pending disposal of the writ petition.

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 permit the petitioners to file the Additional Material in W.P NO. 15789 of 2009, pending disposal of the main writ petition.

I.A. NO: 1 OF 2013(WVMP. NO: 1402 OF 2013)

Between:

Research Centre Imarat (RCI), Research and Development Organisation, Ministry of Defence, Government of India, P.O. Vignan Kanchara, Hyderabad - 69, represented by its Director.

...VACATE STAY PETITIONER/RR No.3

AND

1. Jai Prakash Singh, S/o.B.P.Singh, Aged about 35 years, R/o.D.No.9-188, Brindavan Colony, Balapur X Roads, Post Vaishali nagar, Hyderabad-79.
2. Satya Prakash Singh, S/o.B.P.Singh, aged about 32 years, R/o.D.No.9-188, Brindavan Colony, Balapur X Roads, Post Vaishali nagar, Hyderabad-79.

...RESPONDENTS/PETITIONERS

3. The Special Deputy Collector, Land Acquisition (Industries), Government of Andhra Pradesh, Tank Bund Road, Hyderabad.
4. State of Andhra Pradesh, represented by its Secretary, Transport, Roads and Buildings Department, Secretariat, Hyderabad.

...RESPONDENTS/RESPONDENTS

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



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vacate the interim Stay Order dated 04/08/2009 granted in WPMP No. 20718 of 2009 in WP No. 15789 of 2009.

Counsel for the Petitioners: SRI VEDULA SRINIVAS

Counsel for the Respondent No.1: AGP FOR LAND ACQUISITION

Counsel for the Respondent No.2: GP FOR ROAD AND TRANSPORT

**Counsel for the Respondent No.3: SRI A. SAMIR KUMAR REDDY
(SC FOR CGSC)**

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following: ORDER



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HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION No.15789 of 2009

ORDER:

This writ petition is filed praying this Court to declare the award No.D/189/1994, dated 31.10.2006 passed by respondent No.1 insofar as the land in Sy.No.35 of R.C.I. Main Road, Roshandowla Village, Saroornagar Mandal, Ranga Reddy District, as illegal, contrary to law and also violative of the Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the subject land and for other appropriate reliefs.

2. It is stated that petitioner No.1 is the owner of land admeasuring 508 square yards situated in Plot No.2, Sy.No.35 (Part) and 40, R.C.I. Main Road, Roshandowla Village, Saroornagar Mandal, Ranga Reddy District having purchased the same through registered sale deed bearing document No.978/1999, dated 08.02.1999 and petitioner No.2 is the owner of land admeasuring 500 square yards

situated in Plot No.3, Sy.No.35 (Part) and 40, R.C.I. Main Road, Roshandowla Village, Saroornagar Mandal, Ranga Reddy District having purchased the same through registered sale deed bearing document No.4679/1999, dated 26.07.1999 and since the date of purchase, they are in possession and enjoyment of the same. It is further stated that their vendors and their predecessor-in-interest are also absolute owners of the property and that there is a proposal to widen the road which connects the rear gate of D.R.D.L. with the premises of respondent No.3. It is further stated that the plots of the petitioners are abutting to the existing 100 feet wide road which connects the rear gate of D.R.D.L. with respondent No.3 and due to the proposed road widening the entire plots of the petitioners will be covered. It is further stated that when respondent No.3 is proceeding with the road widening work by entering into the land of the petitioners by putting up marking stones, they have filed W.P.No.3970 of 2009 contending that without acquiring the land, respondent No.3 shall not proceed with any work. This Court, *vide* order, dated 27.02.2009 directed both the parties to maintain *status quo*



and the same was extended on 18.03.2009. It is further stated that respondent No.1 conducted a survey and furnished particulars with regard to the lands in different survey numbers of different villages which are going to be affected by way of acquisition. Thereafter, notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short "the Act") and draft declaration under Section 6 of the Act was published on 25.08.2003 and 01.09.2003 respectively. The final award was published on 30.10.2006. It is further stated that insofar as Sy.No.35 of Roshandowla Village is concerned, Ac.1.01 guntas of land was affected under the said acquisition and the authorities have not included the names of the petitioners in the award and compensation amount of Rs.8,58,16,397/- was deposited for the total lands acquired. The land is still in possession of the petitioners by virtue of the *status quo* granted by this Court in W.P.No.3970 of 2009.

3. A counter affidavit has been filed by respondent No.1, *inter alia*, stating that on the request of Defence Estate Officer, Secunderabad, acquisition proceedings have been

initiated for acquiring the land to an extent of Acs.89.00 to widen the 150 feet road on either side of RCI and DRDL link road, situated at Roshandowla, Balapur, Mallapur and Sulthanpur Villages of Saroornagar Mandal, Ranga Reddy District. It is further stated that the District Collector has sent the said requisition with instructions to initiate the land acquisition proceedings under the provisions of the Act *vide* letter, dated 14.02.1994 and in pursuance of the same, the land acquisition proceedings have been initiated by issuing draft notification under Section 4(1) of the Act *vide* G.O.Ms.No.141, dated 14.08.2023 invoking the urgency clause under Section 17 (4) of the Act and consequent thereto, draft declaration under Section 6 of the Act was published and after approval by the Government *vide* Memo No.4513/Roads-III-2/2003, dated 16.08.2003. It is further stated that notice under Sections 9 (1) and 10 of the Act in Form-6 was issued on 13.09.2003 and published the same in the office of the M.R.O., Saroornagar, M.P.D.O. Saroornagar, Municipal Commissioner, L.B.Nagar, Police Station, Saroornagar and Gram Panchayat, Balapur and thereafter notices under Sections 9 (3) and 10 of the Act,



dated 13.09.2003 were issued in Form-8 and was served on the land owners and thereafter, award has been passed determining the compensation. It is further stated that the respondents have not received any letters addressed by the petitioners before concluding the award enquiry. It is also stated that an extent of 1992 square yards was affected under Vijay Durga Nagar Layout and plots have been purchased by the various plot holders and the plot holders have filed claim petitions and claimed the compensation. The present petitioners have not filed any claim at the time of award enquiry. It is also stated that the burden of proving the title depends on the claimant but the present petitioners have failed to prove their title over the land during award enquiry.

4. Considered the submissions made by Sri Vedula Srinivas, learned Senior Counsel appearing for the petitioners and the learned Assistant Government Pleader for Land Acquisition appearing for respondent Nos.1 and 2. Perused the record.

5. On careful examination of the record, the case of the petitioners is that they have purchased 508 square yards and 500 square yards respectively, Sy.No.35 (Part) and 40, R.C.I. Main Road, Roshadowla Village, Saroornagar Mandal, Ranga Reddy District through registered sale deeds. It is their case that the said land was acquired without notifying their names and notifying the names of the earlier land owners ie., predecessor in title of the petitioners. It is the specific case of the petitioners that they have made a representation, dated 02.06.2004 before passing the award disputing the entitlement of the earlier land owners to receive the compensation. Learned Assistant Government Pleader for Land Acquisition has disputed the submission of the representation, along with the documents, before concluding the award enquiry in terms of the provisions of the Act.

6. In view of the above submissions and since it is stated that the petitioners have purchased the subject property through registered sale deeds and the same is now utilised for the purpose of widening of the road and the



compensation amount has already been deposited, this Court deems it appropriate to dispose of the writ petition permitting the petitioners to make a fresh representation duly enclosing all the documents to establish their title over the subject property before the respondents, in the event of such representation is made by the petitioners, the respondents are directed to pass appropriate orders in accordance with law and communicate the decision thereon to the petitioners.

7. With the above observations, this Writ Petition is disposed of. No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/-CH. MANJULA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Special Deputy Collector, Land Acquisition (Industries), Government of Andhra Pradesh, Tank Bund Road, Hyderabad.
2. The Secretary, State of Andhra Pradesh, Transport, Roads and Buildings Department, Secretariat, Hyderabad.
3. The Director, Research Centre Imarat (RCI),, Research and Development Organisation, Ministry of Defence, Government of India, P.O. Vignan Kanchara, Hyderabad - 69.
4. One CC to Sri Vedula Srinivas, Advocate [OPUC]
5. Two CCs to GP for Land Acquisition, High Court for the State of Telangana, at Hyderabad [OUT]
6. One CC to Sri A. Samir Kumar Reddy (SC for CGSC) [OPUC]
7. Two CCs to The GP for Transport, High Court for the State of Telangana, at Hyderabad [OPUC]
8. Two CCs to The GP for Road and Transport, High Court for the State of Telangana, at Hyderabad [OPUC]
9. Two CD Copies

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2024: PGR 5000133

HIGH COURT

DATED:05/09/2024

ORDER

WP.No.15789 of 2009



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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17/10/24