

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 25201 of 2005

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Dated:30.11.2005

Between:

Miryala Lingaiah, S/o. Gopaiah,
Agriculturist, Mukundapuram Village,
Panpahad Mandal, Nalgonda District, and another.

..... PETITIONERS

AND

The District Collector, Nalgonda District, Nalgonda, and another.

.....RESPONDENTS

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ORDER:

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The petitioners are allegedly the owners of land admeasuring Acs.4.04 guntas in Survey No.599/A, AA1 and the land admeasuring Ac.1.20 guntas in Survey Nos.654/AA1 of Mukundapuram Village, Penpahad Mandal in Nalgonda District. They allege that the respondents acquired their lands, and after receiving notices, the petitioners submitted their claim statements. Though they are requesting the respondents for payment of compensation, the same was not paid to them by completing the proceedings under the Land Acquisition Act, 1894 (for short 'the Act'). Therefore, they seek a direction to the respondents to pay the compensation.

The learned Counsel for the petitioners vehemently contends that after issuing notification under Section 4(1) of the Act, the second respondent took the signatures of the petitioners and took possession of the land. The petitioners therefore, kept the land fallow for the last more than two years and the compensation is not paid, which

is illegal and unconstitutional.

At the preliminary stage of hearing itself, the learned Assistant Government Pleader for Revenue (Land Acquisition) obtained instructions from the second respondent. He submits that though the land admeasuring Acs.6.33 guntas in Survey No.599 and 654 of Mukundapuram Village, was notified for acquisition for provision of house sites to the weaker sections, the proceedings were dropped for want of funds. He also submits that the land was never taken possession due to lack of budget provision and at this point of time by reason of statutory bar under Section 11A of the Act, no award can be passed.

In view of the submissions made by the learned Assistant Government Pleader opposing the writ petition, this Court is convinced that no direction can be issued to the respondents to pay the compensation when the petitioners' land was not taken for acquisition at all. It shall be open to the petitioners to cultivate the land.

The Writ Petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

30.11.2005

vs