

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

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NOS: 21088 OF 2020 AND 13452 OF 2021

WP NO: 21088 OF 2020

Between:

Md. Nazeer, S/o. Late Md. Muneer, aged about 54 years, Occ. Agriculture, R/o, Thadur Village, Thangallapalli Mandal, Rajanna Sircilla District, presently residing at H.No.9-3-145, Srinagar Colony, Karimnagar Town and District.

...PETITIONER

AND

1. The State of Telangana, Represented by its Principal Secretary, Land Acquisition Department, Secretariat, Hyderabad.
2. The District Collector, Rajanna Sircilla District, Sircilla, Telangana.
3. The Land Acquisition Officer, Special Deputy Collector, L.A. Unit - VII, (RDO), Sircilla Division, Sircilla, Telangana.
4. The Tahsildar, Thangallapalli Mandal, Thangallapalli.
5. Mohammed Abdul Hafeez, S/o. Late Md. Abdul Rahim, aged about 57 years, Occ. Business, R/o, Thadur Village, Thangallapalli Mandal, Rajanna Sircilla District, presently residing at Teachers Colony, Vinayakanagar, Ramayanpet Village and Mandal, Medak 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 pass an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ or direction, holding that the inaction of the Respondents No.2 to 4 in not disposing the claim of the Petitioner vide representations dated 07-10-2020, 21-10-2020 AND 06/11/2020 and not referring the claim of the Petitioner to the civil court in file No.G/363/2020 dated 28-02-2020 to the extent of the land of the Petitioner in Sy.No.372, Sy.No.377 and Sy.No.381 is illegal, arbitrary, politically motivated, against the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, against the principles of natural justice and fair play and violative of Article 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents No.2 to 4 to refer the claim of the Petitioner to the Civil Court in file No.G/363/2020 dated 28-02-2020 to the extent of the land of the Petitioner covered by Sy.No.372 admeasuring Ac.00-18 gts., Sy.No.377 admeasuring Ac.00-24 1/2 gts. and Sy.No.381 admeasuring Ac.00-12 gts. of Thadur Village, Thangallapalli Mandal, Rajanna Sircilla District.

IA NO: 1 OF 2020

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 suspend the proceedings in file No. G/363/2020 dated 28-2-2020 to the extent of the land of the Petitioner in Sy.No. 372, Sy.No. 377 & Sy.No. 381 during the pendency of the Writ petition pending disposal of the main Writ petition

Counsel for the Petitioner: SRI. M A RAHMAN

Counsel for the Respondent Nos. 1 to 4: GP FOR LAND ACQUISITION

Counsel for the Respondent No. 5: SRI. GUDI MADHUSUDHAN REDDY

WPNO: 13452 OF 2021

Between:

Mohd Abdul Hafeez, S/o late Md. Abdul Rahim aged about 57 years Occ business R/o Thadur village, Thangallapalli mandal Rajanna Sircilla district presently residing at Teachers colony, Vinayakanagar, Ramayannpet village and mandal, Medak district

...PETITIONER

AND

1. State of telangana, rep by its Principal Secretary, Revenue Department Secretariat, Hyderabad
2. The District Collector, Rajanna Sircilla District.
3. The Land Acquisition Officer cum Revenue Divisional officer Sircilla Division, Rajanna Sircilla district.
4. The Tahasildar, Thangallapally mandal, Rajanna Sircilla district
5. Mohd. Nazeer, S/o late Mohd. Muneer aged about 55 years Occ agriculture no H.No. 9-3-145, Srinagar colony, Karimnagar town and 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 writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in non paying the compensation for the acquired lands of the petitioner in survey No. 372/E extent ac 0.16 gts, in survey No. 377/E extent Ac 0.30 gts and in survey No. 381/E extent ac 0.13 gts situated at Thadur village, Thangallapally Mandal, Rajanna Sircilla District even though award (order) vide Proc No. A1/710/2020 dated 26/3/2020 passed by the respondent No.3 and even after the petitioner made representation on 5/11/2020 and also claim of the respondent No. 5 was rejected vide memo No. A/710/2020 dated 25/11/2020 as arbitrary and illegal and contrary to the provisions of the Right to Fair, Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act 2013.

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 dated 5/11/2020 and thereby to pay the compensation for the acquired lands in survey No. 372/E extent ac 0.16 gts, in survey No. 377/E extent Ac 0.30 gts and in survey No. 381/E extent ac 0.13 gts situated at Thadur village, Thangallapally Mandal, Rajanna Sircilla District in pursuance of the award (order) vide Proc No. A1/710/2020 dated 26/03/2020 passed by the respondent No.3 pending disposal of the above writ petition.

Counsel for the Petitioner:SRI. GUDI MADHUSUDHAN REDDY

Counsel for the Respondent Nos. 1 to 4: GP FOR LAND ACQUISITION

Counsel for the Respondent No. 5: SRI. M.A.A. RAHMAN

The Court made the following:

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION Nos.21088 of 2020 and 13452 of 2021

COMMON ORDER:

W.P.No.21088 of 2020 is filed questioning the inaction of respondent Nos.2 to 4 in not disposing the claim of the petitioner *vide* representations dated 07.10.2020, 21.10.2020 and 06.11.2020 and not referring his claim to the Civil Court, whereas W.P.No.13452 of 2021 is filed questioning the inaction of the respondents in paying the compensation amount to the petitioner in respect of the acquired lands, despite passing Award dated 26.03.2020 by the respondent No.3.

The learned Government Pleader for Land Acquisition has stated that the cause in W.P.No.21088 of 2020 does not survive, as the official respondents have already rejected the claim of the petitioner in W.P.No.21088 of 2020, duly taking into consideration the objections filed by him. The learned Government Pleader has further stated that due to the pendency of W.P.No.21088 of 2020, the compensation amount, as per the Award dated 26.03.2020, could not be paid to the petitioner in W.P.No.13452 of 2021, and that the authorities will take steps to pay the compensation to the petitioner in W.P.No.13452 of 2021 at the earliest.

Having regard to the above made submissions, the grievance of the petitioners in both the writ petitions stand redressed.

The writ petitions are, accordingly, disposed of. However, liberty is granted to the petitioner in W.P.No.21088 of 2020 to approach the appropriate forum seeking appropriate relief if he has any grievance.

The miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

SD/-K.AMMAJI
ASSISTANT REGISTRAR
//TRUE COPY//


SECTION OFFICER

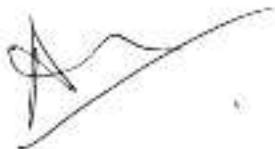
To,

1. The Principal Secretary, Land Acquisition Department, State of Telangana Secretariat, Hyderabad.
2. The District Collector, Rajanna Sircilla District, Sircilla, Telangana.

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3. The Land Acquisition Officer, Special Deputy Collector, L.A. Unit - VII, (RDO), Sircilla Division, Sircilla, Telangana.
4. The Tahsildar, Thangallapally Mandal, Thangallapalli.
5. One CC to Sri. M A Rahman Advocate [OPUC]
6. One CC to Sri. Gudi Madhusudhan Reddy, Advocate (OPUC)
7. Two CCs to GP for Land Acquisition, High Court for the State of Telangana.
[OUT]
8. Two CD Copies.
9. One spare copy

PM
sab

A handwritten signature in black ink, appearing to read 'PM' followed by a stylized surname.

HIGH COURT

DATED:30/06/2021

COMMON ORDER

WP.Nos.21088 of 2020 and 13452 of 2021



Disposing of the WP's
Without costs.

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RERA
09/7/2021