
(2022) 02 TEL CK 0044
In the Telangana High Court
Case No : Writ Petition No. 24226 Of 2020

Hareesh Kolpuru	Vs	APPELLANT
State Of Andhra Pradesh		RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Land Acquisition Act, 1894 — Section 4(1), 5(a), 6, 17
Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 24(2)

Citation : (2022) 02 TEL CK 0044

Hon'ble Judges : Satish Chandra Sharma, CJ; Abhinand Kumar Shavili, J

Bench : Division Bench

Advocate : B Rachna, P. Govind Reddy

Final Decision : Dismissed

Judgement

1. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not returning the subject lands to the petitioners

Nos.1 to 70 situated in Nanakramguda village, Ranga Reddy District despite the fact that the said acquisition was fraudulent from its inception and not

having completed the process of acquisition for more than 15 years and acquired vide Award dt.30-11-2005 of the 10th respondent as illegal and

arbitrary and consequently direct the respondents to return the subject lands to the petitioner Nos.1 to 70.

2. Heard Smt. B.Rachana, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition, appearing for the respondent

Nos.4, 5 and 9 to 12.

2. It has been contended by the petitioners that they have purchased residential plots from M/s. Kiran Krishna Real Estate and Construction Pvt. Ltd.,

vide registered sale deeds between the years 1999 and 2005 adjoining Nanakramguda village in Sy. Nos.6 to 18 and various other survey numbers, totally admeasuring Ac.23.00 gts of land. The petitioners have further contended that the State Government has issued Section 4 (1) Notification on 10-07-2002 for acquiring the lands under the Land Acquisition Act, 1894 (for short "the Act, 1894"). The petitioners had contended that no notice was issued to the petitioners and Section 17 of the Act, 1894 was invoked dispensing with Section 5 (a) enquiry and stating that there is urgency and invoked urgency clause.

3. Learned counsel for the petitioners had further contended that some of the persons aggrieved by the issuance of Section 4 (1) Notification have filed W.P.No.21712 of 2002 before this Court and this Court was pleased to dispose of the said Writ Petition vide orders dt.25-04-2003 directing the respondents to conduct enquiry under Section 5 (a) of the Act, 1894. The petitioners had further contended that Section 6 Notification was also published on 27-04-2005 and respondents have conducted land acquisition proceedings behind the back of petitioners and no opportunity was given to the petitioners and the petitioners have repeatedly making representations to the respondents to give an opportunity to hear them. But the respondents have not given any notice to the petitioners.

4. The petitioners had further contended that finally an award was passed on 30-11-2005 and no compensation paid to the petitioners and the entire land acquisition proceedings were conducted behind the back of petitioners and no opportunity was given to them and they had contended that the lands which were acquired, be returned to them and declare the entire exercise of land acquisition proceedings initiated by the respondents are fraudulent and bad in law and also declare that the said proceedings have been lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Learned Government Pleader for Land Acquisition, appearing for respondent Nos.4, 5 and 9 to 12, had contended that the petitioners have purchased the lands after issuance of land acquisition proceedings and as such they are not entitled for any relief. The petitioners had not participated in the enquiry conducted by the respondents under Section 5-A of the Act, 1894 and the land was acquired from the land owners and accordingly

compensation was paid to the land owners.

6. The learned Government Pleader for Land Acquisition had further contended that admittedly, the petitioners have purchased the said property after issuance of proceedings to acquire the land by the respondents and having not participated in Section 5 (a) enquiry of the Act, 1894, the petitioners cannot turn around and contend that no compensation was paid to the petitioners. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that majority of the sale deeds of the petitioners are after the initiation of land acquisition proceedings and in respect of the sale deeds which are prior to the issuance of the proceedings under the Act, 1894, the petitioners ought to have submitted their claim and objections in Section 5 (a) enquiry, but the petitioners had been making series of representations to the respondents. Nobody prevented the petitioners from participating in the enquiry under Section 5 (a) of the Act, 1894 and the land was acquired way back in 2005 and award was also passed by the respondents on 30-11-2005 and petitioners are approaching this Court nearly after 15 years from the date of passing of an award. Therefore, this Court is not inclined to entertain the Writ Petition. The Writ petition is liable to be dismissed as the respondents have rightly invoked the land acquisition proceedings and acquired the land after paying compensation to the land owners.

8. Accordingly, the Writ Petition is dismissed. Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.