

(2022) 12 TEL CK 0003
In the Telangana High Court
Case No : Writ Petition No. 23068 Of 2021

Kandi Buchi Reddy

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 02-12-2022

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2022) 12 TEL CK 0003

Hon'ble Judges : Mummineni Sudheer Kumar, J

Bench : Single Bench

Advocate : P Giri Krishna

Judgement

1. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents 2 to 4 in not paying compensation to the petitioner in respect of land admeasuring Ac.1.12 gts and Ac.1.05 gts situated in Survey Nos.543/2 (543-B) and 544/2 (544-B) of Paidipally Village, Hanamakonda Mandal and District ("the subject land" for short), as illegal and arbitrary.

2. The said Writ Petition is filed by claiming that the petitioner is the absolute owner and possessor of the subject land and that his name was also mutated in the revenue records by showing the petitioner as pattadar of the said extent of land. The subject land was acquired for the purpose of National Highway under the provisions of the National Highways Act, 1956, under an award bearing Rc.No.F/677/2013 dated 29. 03.2016 passed by the fourth respondent herein. However, after formation of new districts and Revenue Divisions, the subject land falls comes within the jurisdiction of the third respondent herein. In respect of the subject property, the compensation is fixed at Rs.2,18,45,666/-. However, the said compensation amount is not disbursed by the respondents 3 and 4 as on date. The petitioner approached this Court contending that though he is entitled to receive the said compensation amount, the respondents 2 to 4 are refusing to pay the same in favour of the petitioner.

3. A coordinate bench of this Court, at the time of admission, passed an interim order directing the respondents not to disburse the compensation amount in question.

4. Respondents 6 to 9 herein came on record by filing an implead application along with vacate petition contending that the petitioner herein has already parted with the right and title over the subject property by executing a Gift Settlement Deed in favour of his wife and in turn, the wife of the petitioner parted with the subject property in favour of a partnership firm owned by the respondents 6 to 8 herein by executing a registered sale deeds and as such the petitioner herein ceased to have any right or title over the subject property. It is also contended by the respondents 6 to 9 that, the partnership firm, in whose name the subject property was purchased by the respondents 6 to 8, have succeeded to the subject property with equal shares on dissolution of the said Firm. It is also further stated that the respondents 6 to 8 herein have entered into an agreement of sale with the ninth respondent and agreed to sell the subject property. However, in view of certain disputes among them, a suit came to be filed in O.S.No.14 of 2016 on the file of the Court of the II Additional District Judge, Warangal, at the instance of the ninth respondent and the same also ended in compromise in Lok Adalat Case No.285 of 2021, dated 06.07.2021. Basing upon the said compromise decree, the respondents 6 to 9 claim to have approached the third respondent seeking payment of compensation in their favour in respect of the subject property. The third respondent, having conducted an enquiry, got a report from the fifth respondent. It is further contended that at that stage, apprehending payment of compensation to the respondents 6 to 9, the petitioner herein approached this Court by filing the present Writ Petition by suppressing the true facts of the case and obtained interim order.

5. Respondents 6 to 9 filed implead application along with vacate petition in the Writ Petition on 29.04.2022 by duly serving the same on the learned counsel for the petitioner. So far, no reply affidavit is filed and the averments contained in the affidavit filed in support of the vacate petition and implead petition remained uncontroverted.

6. A perusal of the material on record, especially the copies of the registered documents covering the subject land, shows that the petitioner herein executed a Gift Settlement Deed dated 25.02.2009 vide document No.753/2009 in favour of his wife gifting the land situated in Survey Nos.543 and 544 admeasuring Ac.1.02 gts and Acs.3.31 gts and in turn, the wife of the petitioner herein executed sale deeds dated 15.07.2009 and 24.10.2009 vide document Nos.3292/2009 and 5636/2009 conveying the entire extent of land acquired by her under the above referred Gift Settlement Deed in favour of M/s. Bhuvaneshwari Infratech. Thus, from the said documents, it is evident that the petitioner herein has already parted with the right and title over the total extent of land owned by him in the above said survey numbers in favour of his wife and in turn his wife parted with in favour of M/s. Bhuvaneshwari Infratech,

represented by the respondents 6 to 8 herein. However, taking advantage of continuation of the name of the petitioner herein in the revenue records, the petitioner appears to have made a false claim before the respondents 3 and 4 requesting for payment of compensation in respect of the subject land without having any right or entitlement.

7. The averments made in the affidavit filed in support of the vacate petition and the documents filed along with the same are not denied by the writ petitioner. Further, the contents of the copies of the registered documents placed on record cannot be disputed by the writ petitioner. In addition to the same, the counsel for the respondents 6 to 9 also placed on record an order passed by the second respondent herein ordering for mutation of the name of M/s. Bhuvaneswari Infratech in the revenue records and Dharani Portal in respect of the subject property through proceedings No.E2/1556/2022, dated 8.11.2022. Even this proceeding is also not disputed by the petitioner. In the absence of any dispute about the registered Gift Settlement Deed and the consequential sale deeds referred to above and the proceedings issued by the second respondent, absolutely there is no basis for the claim made by the writ petitioner in the Writ Petition. The petitioner is not entitled to make any claim for compensation in question. The claim made by the writ petitioner is totally frivolous and the petitioner has resorted to gross abuse of process of this Court and invoked the jurisdiction under Article 226 of the Constitution of India.

8. In the light of the above, this Court does not find any merit in the Writ Petition and the same is, accordingly, dismissed. Respondents 2 to 4 are at liberty to pay compensation to the respondents 6 to 9, if there are no other claims for the said compensation. The said process shall be completed within a period of three (3) weeks from the date of receipt of a copy of this order.

As this Court has arrived at a conclusion that the writ petitioner has approached this Court by suppressing the material facts, which are well within his own knowledge and by making a false and frivolous claim wasting the valuable time of this Court, this Court is constrained to impose costs quantified at Rs.5,000/- (Rupees five thousand only) on the writ petitioner payable to the High Court Legal Services Committee, High Court for the State of Telangana, Hyderabad, within a period of thirty (30) days from the date of this order.

Miscellaneous applications, if any, pending shall stand dismissed.