
(2022) 02 TEL CK 0032
In the Telangana High Court
Case No : Writ Appeal No. 710 Of 2017

Telangana State Industrial Infastudcture Corporation Ltd.	APPELLANT
Vs	
Sri Mithra Real Estates Pvt. Ltd.	RESPONDENT

Date of Decision : 09-02-2022

Acts Referred:

Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 — Section 24(1)(b), 24(2)
Land Acquisition Act, 1894 — Section 4(1), 31(2)

Citation : (2022) 02 TEL CK 0032

Hon'ble Judges : Ramesh Ranganathan, J;T.Rajani, J

Bench : Division Bench

Advocate : L Prabhakar Reddy

Final Decision : Dismissed

Judgement

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.710 of 2016 dated

21.03.2017. The 1st respondent herein filed the writ petition seeking a writ of mandamus to declare the Award in Proc.No.C/482/04 dated 22.02.2006,

on the file of the Special Deputy Collector (L.A) IAP, Shamshabad, Ranga Reddy District, as having lapsed in view of the provisions of Section 24(2)

of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short â??the 2013 Actâ??).

Facts, to the limited extent necessary, are that an award was passed acquiring Ac.202.00 of land of which Ac.29.33 guntas belonged to the 1st

respondent-writ petitioner. While the Land Acquisition Officer claims to have taken possession of the subject land, three days after the award was

passed on 25.02.2006, the respondent-writ petitioner claims that possession of the subject land has not been taken from him. In the order under appeal

the Learned Single Judge, having held against the appellant on both their claims of having taken possession of the subject land on 25.02.2006 and of

their having paid compensation for the acquired lands, opined that the acquisition proceedings had lapsed.

It is wholly unnecessary for us to examine whether or not possession of the subject land was taken prior to the 2013 Act coming into force on

01.01.2014, as the appeal must fail on the sole ground that compensation was not paid to the respondent-writ petitioner before 01.01.2014 as required

under Section 24(2) of the 2013 Act.

A Division Bench of this Court in D.Mahesh Kumar vs. State of Telangana 2017(1) ALT 400 (D.B.), observed:

“If both Section 24(2), and the proviso below it, are read as two exceptions to awards made before 01.01.2014, and which would otherwise fall

within the ambit of Section 24(1)(b) of the 2013 Act, then the consequences would be as under: (a) the entire land acquisition proceedings, in cases

where awards are made five years prior to 01.01.2014 (i.e. awards made before 01.01.2009) would lapse if either (i) possession of the acquired land

has not been taken, or (ii) compensation has not been paid to any of the land owners before 01.01.2014 (when the 2013 Act came into force). In such

cases, the entire land acquisition proceedings would lapse and, if the State still wants to acquire these lands, it would then have to initiate land

acquisition proceedings afresh under the 2013 Act; (b) awards made during the five year period between 01.01.2009 and 31.12.2013 would not lapse

and, if compensation in respect of a majority of landholdings has not been paid to the beneficiaries specified in the notification issued under Section

4(1) of the 1894 Act before 01.01.2014, then all land owners, under the said notification, will be entitled for higher compensation under the 2013 Act;

(c) in respect of awards made during the five year period between 01.01.2009 and 31.12.2013, and where compensation in respect of a majority of

landholdings has been paid to the land owners before 01.01.2014, the other beneficiaries (minority of land owners who have not received

compensation under the 1894 Act till 31.12.2013) would, in terms of Section 24(1)(b) of the 2013 Act, be entitled only to be paid the compensation

prescribed under the 1894 Act” (emphasis supplied).

In the present case the award was, admittedly, made on 22.02.2006 nearly three

years prior to the prescribed date of 01.01.2009 (i.e., the date five years prior to the 2013 Act coming into force on 01.01.2014 as specified in Section 24(2) of the 2013 Act), and as compensation for such acquisition was not paid prior to 01.01.2014, Section 24(2) would require the entire land acquisition proceedings to be deemed to have lapsed.

Sri L.Prabhakar Reddy, learned counsel for the appellant-corporation, would submit that the appellant-corporation had deposited Rs.6,69,82,600/- with the Land Acquisition Officer in the year 2006 itself, of which the amount payable for the Ac.29.33 guntas of land, which the respondent-writ petitioner claims to own, is only Rs.33.15 lakhs. It is, however, admitted in the counter affidavit filed by the official respondents that the said compensation amount was deposited with the Court, to whom a reference can be made, only on 17.02.2017 more than three years after the 2013 Act came into force.

The submission of the Learned Government Pleader for Land Acquisition, that non-payment was only because the respondent-writ petitioner did not approach the Land Acquisition Officer despite repeated notices, does not merit acceptance as Section 31(2) of the Land Acquisition Act, 1894 obligates the Land Acquisition Officer, if the land owner does not consent to receive the amount, to deposit the amount of compensation in the Court to which a reference would be made. Even in cases where there is a dispute as to title, Section 31(2) of the Land Acquisition Act, 1894 requires the Land Acquisition Officer to deposit the compensation amount with the Reference Court.

The relevant date is not the date on which the beneficiary, for whose benefit the land is acquired, has deposited the compensation amount with the Land Acquisition Officer but the date on which the Land Acquisition Officer makes payment of the awarded compensation to the land owner whose land has been acquired. As compensation was neither paid to the respondent-writ petitioner nor was it deposited in the Reference Court on or before 31.12.2013, Section 24(2) of the 2013 Act is attracted and the land acquisition proceedings, whereby an extent of Ac.29.33 guntas of the respondent-writ petitioner's land was sought to be acquired, must be deemed to have lapsed. Interference in an intra-Court appeal, under Clause 15 of the Letters Patent, would be justified only where the order under appeal suffers from

a patent illegality. We find no such infirmity in the order passed by the Learned Single Judge. We see no reason, therefore, to interfere with the said order.

The Writ Appeal fails and is, accordingly, dismissed.

Miscellaneous Petitions pending, if any, shall also stand dismissed.

There shall be no order as to costs.