

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE TWENTY SECOND DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1102 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 21/11/2022 in W.P.No 30757 of 2018 on the file of the High Court.

Between:

1. Gujula Muthanna, S/o G Linganna, aged 75 years, occ agriculture, R/o No 2-52, Venkatapur, Nirmal district, formerly in Adilabad District, at Nirmal.
2. Dhujula Rajavva, W/o late Gujula Muthanna, (Died) S/o late G Bhojanna, aged 70 years, occ agriculture, R/o No 1-233, Venkatapur, Nirmal district, formerly in Adilabad District, at Nirmal.
3. Gujula Gangamani, D/o late Gujula Muthanna, S/o late G Bhojanna, aged 37 years, occ agriculture, R/o No 1-233, Venkataur, Nirmal district, formerly in Adilabad District, at Nirmal.

...APPELLANTS/PETITIONERS

AND

1. The State of Telangana, Through its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The State of Telangana, Through its Principal Secretary, Irrigation and CAD Department, Secretariat, Hyderabad.
3. The District Collector, Nirmal District formerly in Adilabad District, at Nirmal.
4. The Special Deputy Collector, Land Acquisition Unit IV, Sriram Sagar Project, Nirmal District, formerly in Adilabad District.
5. District Irrigation Officer, Nirmal District formerly in Adilabad District, at Nirmal.
6. The Executive Engineer, Division of GVC-1/SRSP, Metapally, Jagityal District.

...RESPONDENTS

IA NO: 2 OF 2024

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 order passed in WP No. 30757 of 2018, dt. 21.11.2022 during the pendency of the appeal.

Counsel for the Appellants: SRI R.ANURAG FOR SRI DADI RADHA KRISHNA
Counsel for the Respondent Nos.1 & 3: GP FOR REVENUE
Counsel for the Respondent Nos.2,5 & 6: M/s. SHANTHI NEELAM, GP FOR IRRRI
& COM
Counsel for the Respondent No.4: SRI E.RAMESH CHANDRA GOUD, GP FOR
LAND ACQUISITION

The Court made the following: JUDGMENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT APPEAL No. 1102 of 2024

JUDGMENT: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. R. Anurag, learned counsel appears for Mr. Dadi Radha Krishna, learned counsel for the appellants.

Ms. Shanthi Neelam, learned Government Pleader for Irrigation appears for respondent Nos.2, 5 and 6.

Mr. E. Ramesh Chandra Goud, learned Government Pleader for Land Acquisition appears for respondent No.4.

2. This intra court appeal is filed against order dated 21.11.2022 passed by the learned Single Judge by which Writ Petition No.30757 of 2018 preferred by the appellants has been dismissed.

3. Facts giving rise to filing of this appeal briefly stated are that the appellants were owners of lands admeasuring Acs.2.39 guntas in Survey No.56/1 and Acs.2.39 guntas in Survey No.56/2 of Venkatapur Village (earlier located in Nirmal Mandal, Adilabad District and presently in Nirmal Mandal and

District) (for short 'the subject lands'). The District Collector approached the appellants in the year 1982 for leasing out the subject lands for the purpose of construction of staff quarters of Irrigation Department, Sri Ram Sagar Project. The appellants by communication dated 01.04.1982 agreed to lease out the subject lands for a period of three to five years. Thereupon, the possession of the subject lands was taken over by the District Collector. The appellants, thereafter issued a legal notice on the ground that though the lease deed was executed in respect of the subject lands for construction of temporary sheds, the rent was not fixed and permanent structures are being constructed on the subject lands. The District Collector, by communication dated 25.11.1982, informed the appellants that the subject lands are required for public purpose and would be acquired by invoking Section 17 of the Land Acquisition Act, 1894 (for short 'the Act').

4. Thereafter, the District Collector addressed a communication dated 24.12.1982 to the State Government for publication of a draft declaration and proceedings under the

Act were initiated for acquisition of the subject lands belonging to the appellants. The appellants submitted their objections on 30.01.1984 in the acquisition proceedings. Thereafter, an award was passed on 22.03.1984 by which compensation of Rs.39,408/- was fixed in respect of the subject lands. Thereafter, at the instance of the appellants, the matter was referred to the District Court under Section 18 of the Act for enhancement of compensation. The reference Court, by an award dated 05.02.1988, passed in O.P.No.434 of 1986, enhanced the compensation to Rs.16,500/- per acre. The appellants have been paid the amount of compensation.

5. After a period of 35 years, the appellants filed the writ petition for restitution of the subject lands *inter alia* on the ground that the same have not been utilized for the purpose for which they were acquired. The learned Single Judge, by the impugned order dated 22.11.2022, dismissed the writ petition on the ground that the subject lands belonging to the appellants were acquired under the provisions of Act and an award was passed on 22.03.1984. It was further held that, at the instance

of the appellants, the reference under Section 18 of the Act was made and the reference Court, by judgment dated 05.02.1988, enhanced the amount of compensation to Rs.16,500/- per acre. It was further held that the appellants are not in possession of the subject lands for the past about 35 years and the subject lands cannot be returned to them even if the same have not been utilized for the purpose for which they were acquired. It was further held that Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not apply to the fact situation of the case and the subject lands were acquired in the year 1983-84. Being aggrieved, the appellants have filed this appeal.

6. Learned counsel for the appellants submitted that the learned Single Judge ought to have appreciated that as of now, the subject lands are vacant and the appellants are entitled to seek resumption of the subject lands. It is further submitted that the learned Single Judge ought to have appreciated that the appellants hail from poor families and have no other source

2

of income except the subject lands. It is also submitted that the appellants are ready and willing to deposit the amount of compensation.

7. We have considered the submissions made by the learned counsel for the appellants and have perused the record.

8. From the material on record, following facts emerge.

(1) The subject lands were acquired under the provisions of the Act and an award was passed on 22.03.1984.

(2) At the instance of the appellants, a reference under Section 18 of the Act was made and the reference Court, by judgment dated 05.02.1988 passed in O.P.No.434 of 1986, had enhanced the compensation to Rs.16,500/- per acre.

(3) The appellants have been paid the amount of compensation.

(4) After the delay of 35 years, the appellants filed the writ petition seeking resumption of the subject lands on the ground that the subject lands, which were

acquired, have not been utilized for the purpose for which they were acquired.

(5) The appellants are not in possession of the subject lands for the past about more than 35 years and the writ petition filed by the appellants suffers from delay and laches.

9. For the aforementioned reasons, we do not find any ground to differ with the view taken by the learned Single Judge.

10. In the result, the Writ Appeal fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

- To
1. One CC to SRI DADI RADHA KRISHNA, Advocate [OPUC]
 2. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
 3. Two CCs to GP FOR IRRRI & COM, High Court for the State of Telangana, at Hyderabad. [OUT]
 4. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana, at Hyderabad. [OUT]
 5. Two CD Copies

PSK.

LS



HIGH COURT

DATED:22/10/2024

JUDGMENT

WA.No.1102 of 2024



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS.**

(10)
osthily
law