

HIGH COURT FOR THE STATE OF TELANGANA

WRIT PETITION No.1895 of 2025

Bogi Balraj S/o Late B.Veeraiah, Aged
about 62 years, Occ: Business, R/o
H.No.7-1-307/14/1/A, Subhash Nagar,
Sanath Nagar, Hyderabad and 8 others.

....Petitioners

VERSUS

The State of Telangana,Rep. by its Principal
Secretary, Department of Revenue (Land
Acquisition), Secretariat Buildings,
Saifabad, Hyderabad and 6 others.

...Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2026

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?
2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish Yes/No
to see the fair copy of the Judgment?

JUSTICE N.V.SHRAVAN KUMAR

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

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% Dated 03.08.2026

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... Respondents

! Counsel for Petitioners : Sri Raja Sripathi Rao, learned
Senior counsel representing Sri
Papaiah Peddakula, Advocate.

^ Counsel for Respondent No.1 : G.P for Land Acquisition,
Counsel for Respondent Nos.2 to 4: G.P. for Revenue.

< GIST:

> HEAD NOTE:

? CITATIONS:

1. (2024) 10 SCC 533

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

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.1895 of 2025

DATE: 03.08.2026

Between:

Bogi Balraj and 8 others.

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Department of Revenue(Land Acquisition),
Secretariat Buildings, Saifabad, Hyderabad and 6 others.

...Respondents

ORDER

This writ petition is filed seeking following relief:

“...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring i) the Preliminary Notification vide Gazette No.G/59/2021, dated 03.08.2021 issued under section 11(1) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 for the infrastructural development of Yadadri Sri Laxminarsimha Swamy Temple, Yadagirigutta, pursuant to Collector’s Letter No.G/966/2019, dated 03.08.2021 and File No.B/863/2019, dated Nil.07.2021, as rescinded by operation of law as no Declaration was made within stipulated time period of 12 months from the date of

Preliminary Notification and thereby ii) declare that the subsequent Declaration vide RDO File No.B/863/2019, dated 03.08.2023 Collector File No.G/966/2019, dated 04.08.2023 Gazette No.G/24/2023, dated 04.08.2023 basing on the alleged Sanction of Extension vide Collector Lr.No.G/966/2019, dated 08.08.2022 under undated Gazette No.G/59/2/2021. dated Nil.08.2022 issued after the expiry of the stipulated period of 12 months from the date of Preliminary Notification, dated 03.08.2021, being illegal, arbitrary, unconstitutional and in violation of the stringent procedural requirements of the RFCTLARR Act/Land Acquisition Act, 2013 apart from violative of Articles 14 and 300-A of the Constitution of India and consequently set aside all the proceedings thereunder including the Award Enquiry Notice No.B/868/2019, dated 11.11.2024 issued by the Respondent No.5 under section 21(1) and (2) of the Act and further declare the Award vide Proceedings No.B/863/2019, dated 27.01.2025 passed by the Respondent No.5 is illegal and set aside the same iii) Award compensation to the Petitioners on account of damages sustained by them ...”

2. Heard Sri Raja Sripathi Rao, learned Senior Counsel representing learned counsel for the petitioners on record and learned Government Pleader for Land Acquisition appearing for the respondents.

3. Facts giving rising to the filing of this writ petition in brief are as follows:

3.1 Petitioners are Nine in number and submit that they have jointly purchased land to the extent of Acs.2.25 guntas in Survey No.134/A/1 and Acs.5.05 guntas in Survey No.134/A/6, total Acs.7.30 guntas situated at Yadagiripalli Village, *vide* registered sale deeds. Respondent No.3, namely the Yadadri Temple Development Authority (YTDA), was constituted by Government of Telangana under the Telangana Urban Areas (Development) Act, 1975, *vide* G.O.Ms.No.47, MA & UD, dated 27.02.2015, with an object of ensuring planned growth and providing impetus to the historic, religious and cultural development of the Yadagirigutta Temple Complex and its surroundings and brought the surrounding areas namely Yadagiripalli, Saidapur, Mallapur, Datharpalli, Gundlapally, Ragiri and Baswapur villages under the YTDA as a Special Development Area.

3.2 On a requisition made by the respondent No.3, the then District Collector, Nalgonda sought for acquisition of about Acs.643.10 guntas of land around Yadgirigutta Village under different modes of acquisition. Apart from the other acquisition proposals, Land Acquisition Notification *vide* Gazette No.1156, dated 12.08.2015 in

File No.G/6784/2015 was published for acquisition of lands to an extent of Acs.22.00 guntas in Survey No.134 of Yadagiripalli Revenue Village, which include lands jointly purchased by the petitioners to an extent of Acs.2.25 guntas in Survey No.134/A/1 and Acs.5.05 guntas in Survey No.134/A/6 total admeasuring Acs.7.30 guntas and an extent of Acs.4.15 guntas belonging to petitioner No.9. The said notification was published in the Andhra Jyothi daily (Main Edition) dated 14.08.2015. Thereafter, a Declaration/Confirmation Notification was issued *vide* Gazette No.1195 in File No.G1/6784/2015 dated 26.10.2015 and was published in the Namaste Telangana daily (Main Edition) dated 02.11.2015. The Land Acquisition Officer/Revenue Divisional Officer fixed the land value at Rs.10,50,000/- per acre.

3.3 According to the petitioners, their lands are situated in the middle of lands acquired for the development of the Yadagirigutta Temple area. They objected to the said notification and made representations seeking determination of compensation in accordance with the provisions of the RECTLARR Act, and with reference to Gazette Notification No.1161 dated 22.08.2015 relating to acquisition

of lands in various survey numbers of Yadagiripalli Village, it is submitted that the market value was fixed at Rs.38,66,103/- per acre. While the inquiry was going on, the petitioners filed objection petition before respondent Nos.4 and 5 seeking enhanced compensation and for claiming development charges. On the petitioners' petition, a letter was also addressed to the Roads and Buildings Department for inspection and assessment. The Executive Engineer, R&B Department, inspected the site and recommended payment of compensation to a tune of Rs.62,00,000/- per acre.

3.4 On 01.07.2017, a meeting was convened at the Yadadri-Bhuvanagiri Collecterate, attended by the District Collector, Yadadri-Bhuvanagiri District, Vice-Chairman and Chief Executive Officer, YTDA, the Joint Collector, Executive Officer of Sri Lakshmi Narasimha Swamy Temple, Yadagirigutta, Secretary, YTDA, District Town and Country Planning Officer, Yadadri-Bhuvanagiri, Executive Engineer, Roads and Buildings Department, Yadadri Bhuvanagiri District, Deputy Executive Engineer, R&B Department, Deputy Executive Officer of the Temple Authorities, Revenue Divisional Officer, Bhongir, Tahsildar Yadagirigutta and Deputy Inspector of

Survey, Bhongir. The petitioners contended that, in the said meeting, it was observed that, as per the master plan, the first approach road to the Temple City passing through Survey Nos.122, 123 and 134 was proposed with a width of 60 feet, while the second approach road passing through Survey Nos.129, 134 covering a total extent of Acs.10.11 guntas, was proposed with a width of 100 feet. It is further submitted that the total extent of land in Survey Nos.122, 123, 129 and 134 in Yadagiripally Village was Acs.34.14 guntas and that the said extent was sufficient for the purpose as proposed under the Master Plan.

3.5 It is submitted that since the petitioners are in adjacent compact blocks of the land, they have applied for layout permission in Survey No.134/A admeasuring Acs.07.65 cents through the proper channel and the Panchayat Secretary, Yadagirigutta Gram Panchayat forwarded the said application to the Director of Town and Country Planning (YTDA) *vide* Letter No.91/GPY/2018, dated 06.06.2018. It is further submitted that, upon consideration of the petitioners' application, the competent authority directed the petitioners to pay layout fees and other charges amounting to Rs.44,25,136/-. Upon

payment thereof, the DTCP (YTDA), Hyderabad, issued a true copy of approved layout for the purpose of demarcation of layout on the ground and to mortgage the plots. Thereafter, the Municipal Commissioner, Yadagirigutta Municipality, *vide* Letter No.G1/91/MCY/2018-19, dated 21.08.2019 informed the petitioners to hand over the master plan road effected area to an extent of Acs.02.05 cents (Acs.02.02 guntas) in favour of the Commissioner, Yadagirigutta Municipality and the same was registered *vide* registered gift deed bearing document No.2871/2020, dated 05.02.2020 of SRO, Yadagirigutta. On the basis of proposals submitted by the Executive Engineer (R&B), Special Division, Yadadri, *vide* Letter No.EE/R&B/YADADRI/2018-19/353 dated 05.03.2019, the Chief Administrative Officer, YTDA, submitted a proposal to the District Collector, Yadadri-Bhuvanagiri District, for acquisition of land *vide* Lr.No.YTDA/LA.Req/61/2015, dated 26.03.2019.

3.6 The petitioners contend that YTDA had accorded layout permission to the petitioners' lands to an extent of Acs.5.28 guntas. Thereafter, petitioners have developed the land into residential plots and entered into agreements of sale and development agreements with

Third parties. It is further submitted that as per the instructions of the Hon'ble Chief Minister, land acquisition proposals were initiated for providing facilities (Tourism) to the pilgrims at Sri Lakshmi Narasimha Swamy Temple, Yadagirigutta and its surrounding areas for which the petitioners have submitted objections. Thereafter, the District Collector, *vide* proceedings No.G/966/2019, dated 18.04.2019, constituted a Committee for acquisition of land to an extent of Acs.25.30 guntas in Survey No.134 situated at Yadagiripally Village, Yadagirigutta Mandal, for the purpose of development between the first approach road curves and the left side of the first circle of Temple City Layout and also for construction of a road abutting the Reddy Sangam Building, Yadagirigutta and directed the said committee to conduct joint inspection and to submit reports immediately. After submission of the Committee's report, the District Collector, Yadadri-Bhuvanagiri, addressed a letter *vide* No.G/966/2019, dated 28.12.2019 to the Director of Town and Country Planning, Government of Telangana, by stating that the petitioners' lands were not covered under the land acquisition proposals. It is further submitted that the said position was also

clarified by the Vice Chairman-cum-CEO, YTDA, *vide* letter No.YTDA/Layouts/53/18, dated 27.02.2020.

3.7 The petitioners submit that developments were made as per the norms of YTDA and the petitioners have also partitioned the developed land by way of registered Partition Deed No.14815 of 2020, dated 28.08.2020. Thereafter, YTDA sent fresh acquisition proposals. The District Collector objected them stating that road was given free of cost and the layout was already sanctioned and requested exemption from acquisition. Thereafter, *vide* letter No.YTDA/209/2019 dated 02.03.2021, YTDA requested the District Collector to obtain orders from the Honorable Chief Minister. The District Collector, Yadadri Bhuvanagiri District, *vide* Lr.No.G/966/2019, dated 04.03.2021 had authorized the Land Acquisition Officer/Revenue Divisional Officer to initiate land acquisition process. The petitioners submit that the requisitioning authority, namely YTDA, had taken contradictory stands, on the one hand had sent land requisition proposal duly taking permission for exemption of application of provisions from Chapters II and III of the RFCTLARR Act through the Municipal Administration and Urban

Development, *vide* Memo No.5888/Plg.II/2021, dated 23.04.2021 under G.O.Ms.No.120, Rev(JA & LA) Department dated 30.06.2017 and on the other hand, the Vice Chairman-cum-Chief Executive Officer, YTDA, sent a letter to District Collector *vide* letter No.YTDA/LA.Reg/61/2015, dated 17.04.2021 seeking acquisition of the subject land on the basis of giving alternative land.

3.8 It is submitted that a notification under Section 11(1) of the RFCTLARR Act, 2013 was issued on 03.08.2021 for infrastructural development of Yadadri Sri Lakshmi Narasimha Swamy Temple, Yadagirigutta, pursuant to Collector's letter No.G/966/2019, dated 03.08.2021 with File No.B/863/2019, dated Nil.07.2021 which was published in Sakshi Telugu Daily newspaper on 10.08.2021. The petitioners further submit that the alleged extension of time granted *vide* Collector's Letter No.G/966/2019, dated 08.08.2022 under Gazette No.G/59/2/2021, dated Nil.08.2022 was issued after expiry of the statutory period of twelve months from the date of the preliminary notification dated 03.08.2021 and that though the preliminary notification was rescinded by operation of law as no declaration was made within stipulated time period of 12 months from the date of

preliminary notification, on 12.01.2023 the District Collector communicated to the Vice Chairman and Chief Executive Officer YTDA Hyderabad stating that steps are taken to negotiate with the land owners in lieu of the land offered by YTDA in Survey Nos.158 and 160 of Datharpally village and some of them have consented for exchange of land whereas others have not. On 25.03.2023, the Revenue Divisional Officer, Bhongir has conducted objection hearing, however had not passed any orders. Thereafter, the new Revenue Divisional Officer rejected the petitioners' objection/representation dated 15.11.2022 and passed orders on 01.08.2023.

3.9 It is submitted that basing on the subsequent declaration vide RDO File No.B/863/2019, dated 03.08.2023, Collector vide File No.G/966/2019, dated 04.08.2023, Gazette No.G/24/2023, dated 04.08.2023 extended time for passing award vide notification dated 31.07.2024. The petitioner further submits that as per Section 10-A of the Act, the Government before issuance of notice shall ensure the extent of land for the proposed acquisition keeping in view the minimum land required for such project. Thus one time notification is sufficient for acquisition but in the instant case already two times

notifications were issued for Acs.13.07 guntas land under purchase scheme for Temple City and 1200 square yards under land acquisition scheme for the purpose of Ring road. It is further submitted that though declaration notification was not published within stipulated time, the land acquisition officer has issued Award Inquiry Notice No.B/863/2019, dated 11.11.2024 under Section 21(1) and (2) of the RFCTLARR Act, 2013.

3.10 It is submitted that this Court while considering the similar issue in W.P.No.28106 of 2023 and batch by its order dated 18.10.2023 and W.P.No.17354 of 2021 and batch by its order dated 20.10.2023, held that declaration published beyond 12 months from the date of preliminary notification shall be deemed to have been rescinded and accordingly the impugned Awards therein were set aside. Following the said proposition of law, another W.P.No.13138 of 2022 was also allowed by this Court by its order dated 09.02.2024. The petitioner submits that the land of petitioner No.9 is covered under First Ghat Road and she had consented for exchange of land as per Minutes, dated 01.07.2017, despite the fact that she was issued notice for Award Enquiry, dated 11.11.2024 directing the petitioner

No.9 to appear before the authority on 11.12.2024 and petitioner No.9 appeared before the authority and filed objection for the acquisition of the property. It is further submitted that as per the Section 19(1) of the Act, the collector shall notify the declaration within 12 months from the date of preliminary notification and on its failure to do so, notification shall be deemed to have been rescinded and further submits that since preliminary notification was issued on 03.08.2021, the question of extension of period of twelve months by issuing an undated Gazette cannot cover the limitation as the preliminary notification was rescinded by operation of law by 02.08.2022 itself and that proceedings initiated under impugned notification are unsustainable under law.

3.11 The petitioners further submit that YTDA authorities are sending requisitions for acquisition of land to cover up their mistakes and misusing the public money/funds and the petitioners rights over their properties are not only a constitutional or statutory right, but a human right as held by the Hon'ble Apex Court in Civil Appeal No.1460 of 2010 and that the authorities cannot acquire the lands at their whims and fancies. Further land acquisition proposals did not

specify urgency requirement. It is further submitted that as per the Section 10A of the Act, the State Government shall before issuance of notice, ensure the extent of land for the proposed acquisition keeping in view the minimum land required for such project. Thus, one time notification is sufficient for acquisition, but in the instant case, already two times notifications were issued as such. Aggrieved by the said action of respondents in issuing subsequent declaration, the present writ petition is filed.

4. Respondent No.5 filed counter on behalf of respondent No.4 and would submit that requisition for land acquisition was received for an extent of Acs.25.30 guntas for providing infrastructure for development of Tourism around Yadadri Temple in the limits of Yadagiripalli village, Yadagirigutta Mandal, Yadadri Bhuvanagiri District vide their letter No.YTDA/LA.Req/61/2015, dated 14.12.2020, as per RFCTLARR (Telangana Amendment) Act, 2013 under RFCTLARR Act, 2013 and amended Telangana RFCTLARR Act, 2016 (Gazette No.21/2017) has been submitted by Vice Chairman and CEO, YTDA. The District Collector, Yadadri Bhuvanagiri vide their Lr.No.G/966/2019 dated 04.03.2021,

authorized the Revenue Divisional Officer, Bhongir to initiate the process of Land Acquisition. It is submitted that the Principal Secretary to Government of Telangana, Municipal Administration and Urban Development (Plg-II) Department issued Memo No.5888/Plg-II/2021, dated 23.04.2021 exempting Sri Lakshmi Narasimha Swamy Devasthanam, Yadadri and its surroundings areas from application of provisions of Chapter II and III of the RFCTLARR Act and issued notification in Form-A for taking necessary action.

4.1 Thereafter, respondent No.5 has obtained enjoyment report from the Tahsildar, Yadagirigutta District, wherein it is reported that, an extent of Acs.1.21 guntas in Survey No.123 and extent of Acs.24.09 guntas in Survey No.134 with no structures is coming under alignment. Preliminary Notification under Section 11(1) of the RFCTLARR Act, 2013 to the said extent with no structures was prepared and submitted to the District Collector *vide* respondent No.5 letter No.B/863/2019, dated 20.07.2021. Thereafter, the District Collector approved the Preliminary Notification *vide* their Proceedings No.G/966/2019, dated 03.08.2021 and issued gazette number for the notification *vide* Gazette No.59/2021, dated

03.08.2021, published the same in Vaartha and Saakshi Telugu daily newspapers on 10.08.2021. After publication of notification, declaration could not be published within one year from the date of publication of notification. As such respondent No.5 sought permission for extension under Section 19(7) of the RFCTLARR Act, 2013 from District Collector, *vide* respondent No.5 letter No.B/863/2019, dated 08.08.2022 and the District Collector, Yadadri Bhuvanagiri District *vide* their letter No.G/966/2019, dated 08.08.2022 approved and extended to a period of twelve months from 10.08.2022. Hence, the extension of preliminary notification was granted before its lapse.

4.2 It is further submitted that in connection to the declaration under section 19(1) of the Act, 30 of 2013, respondent No.5 has submitted proposals to the District Collector for publication of declaration under Section 19 *vide* Respondent No.5 Letter No.B/863/2019, dated 03.08.2023 and the District Collector, Yadadri Bhuvanagiri District approved the declaration *vide* proceedings No.G/966/2019, dated 04.08.2023 and issued Gazette No.24/2023 published on 08.08.2023 in Janam Sakshi and Sakshi Telugu daily

newspaper. After publication of the declaration, respondent No.5 could not pass award within a period of one (1) year from the date of publication of the Declaration. As such respondent No.5 has sought permission for extension under section 25 of the RFCTLARR Act, 2013 from the District Collector, vide Respondent letter No.B/863/2019, dated 27.07.2024 and the District Collector, Yadadri Bhuvanagiri District vide their Lr.No.G/966/2019, dated 31.07.2024 approved and extended for a period of 12 months up to 07.08.2025.

4.3 Thereafter, after extension of declaration period, respondent No.5 has issued notices under section 21 (1) and (2) of the Act 30 of 2013 on 11.11.2024 by calling documents in proof of their title and scheduled award enquiry on 11.12.2024 and obtained sales for preceding three (3) years from the date of publication of preliminary notification on 10.08.2021 from the Sub-Registrar in respect to yardage sales and from the District Collector in respect to acerage dharani sales. Based on the basic value and sale particulars respondent No.5 submitted proposals under Section 26 of the RFCTLARR Act, 2013 vide letter No.B/863/2019, dated 03.12.2024 by fixing land value in three categories as detailed below:

Category-A (Plots regularized by the competent authority on payment of full charges for the said purpose)	Value proposed @ Rs.1500/- per Square Yard
Category –B (Illegal layouts and Non-regularized Plots)	Value proposed @ Rs.900/- per Square yard unapproved layout
Category – C(Agricultural Land)	Value proposed @Rs.27,18,500/- per Acre for the fallow land

5. Thereafter, the District Collector after verification, approved fixing of the land value under three categories. It is further submitted that lands of writ petitioner Nos.1 to 6 and two other land losers were covered in approved layout which comes under category-A in Survey No.134 and the extent pertaining to writ petitioner Nos.7 to 9 and other land losers are covered in category B covered in Sy.No.134 and 123 and category C covered in Sy. No.134. Thereafter, award enquiry under section 21 was conducted on 11.12.2024, for which, Thirty Two interested persons have attended and during the award inquiry the notified pattadars have attended and requested to pay compensation as per the consent award amount paid for other acquisitions beside other general grievances which were not related to the present notification

published on 10.08.2021. It is further submitted that in connection to the Award, none of the petitioners filed any documents in proof of their title and respondent No.5 on 25.01.2022 prepared Draft Award while apportioning the extent as per the notification duly deleting the road extent by referring the quantum of compensation to be paid under section 77 of the Act 30 of 2013 and submitted to the District Collector, Yadadri Bhuvanagiri district. While furnishing the draft award the plea raised during the award inquiry was discussed and discarded in the award which reads as follows:

“The Plea of the land losers cannot be considered keeping in view of the orders passed by the Hon’ble Apex Court in Special Land Acquisition Officer and Others Vs. N.Savitha (2022) 7 SCC 256 held that, consent award cannot be considered for the purpose of determining the compensation in case of another acquisition.

As such the notified pattadars seeking relief under consent award to their notified land is not-considered as the Consent award value cannot be fixed for the General Award.”

5.1 The District Collector, Yadadri Bhuvanagiri District after verification of draft award, approved award vide Lr.No.G/966/2019, dated 25.01.2025 for an amount of Rs.19,77,50,375/- (Rupees Nineteen Crores Seventy Seven Lakhs Fifty thousand Three hundred

and Seventy Five Only). The award was passed much before Lapse of Extension i.e., 07.08.2025. It is further submitted that in the present notification published on 10.08.2021, no structures were notified and that one of the shareholder in the writ petitioners approved layout has obtained compensation for Rs.49,92,965/- after receiving notices under section 37 of the Act, 30 of 2013. It is further submitted that on receipt of notices under Section 37, two awardees have approached the Tahsildar, Yadagirigutta with their documents in proof of their title, the Tahsildar verified the documents with the revenue records and encumbrances and proposed for release of compensation. After due verification, respondent No.5 released the compensation in favor of notified pattadar who is one among the approved layout of the writ petitioners and after receiving the compensation both the land losers have filed representation under section 64 of the Act, 30 of 2013 for enhancement of compensation. It is further submitted that from the land of writ petitioner Nos.1 to 6 to an extent of Acs.7.30 guntas., an extent of Acs.2.05 cents, is excluded as Road area and after excluding the said road area of Acs.2.05 cents an area of Acs.5.60 cents is considered as net layout area as per the norms prescribed. It is further submitted that as per the said preliminary notification, the extent

pertaining to the writ petitioner No.9 is notified in both Survey Nos.123 and 134, as such, the notified pattadar i.e, petitioner No.9 did not submit her documents in proof of title, as such compensation was not released in her favor. It is further submitted that extension of preliminary notification and declaration was obtained well in time from the District Collector and the objections of writ petitioner Nos.1 to 6 along with three (3) others filed on 15.11.2022 were disposed of and declaration under section 19 of the RFCTLARR Act, 2013 was submitted and published much before its lapse. As such respondent No.5 has followed due process of law and procedure prescribed under RFCTLARR Act, 2013 and has not violated the provisions of said Act. Eventually pray this Court to dismiss the writ petition.

SUBMISSIONS:

6. Learned Senior Counsel appearing for the learned counsel for the petitioners on record would submit that W.P.Nos.28106 of 2023, 31647 and 44120 of 2022 were filed questioning as to whether the appropriate Government is entitled to extend the time for publication of declaration under sub-section (1) of Section 19 of the RFCTLARR Act, 2013 after the

preliminary notification issued under Section 11(1) of the Act, 2013 stood rescinded by operation of law or not. Learned Senior Counsel would submit that the Coordinate Bench of this Court by its order dated 18.10.2023 allowed the writ petition observing that the power conferred on the appropriate Government under second proviso to subsection 7 of section 19 of the Act, 2013 is required to be exercised during the subsistence of preliminary notification and not after the same stood rescinded and accordingly the impugned award was set aside insofar as the lands of the petitioners therein are concerned. Learned Senior Counsel would further submit that declaration was given *vide* Gazette No.24 of 2023, dated 08.08.2023 and award was passed *vide* proceedings No.B/863/2019 dated 27.01.2025, beyond the time period as prescribed, thereby the respondents have not complied the provisions under Sections 25 of the RFCTLARR Act, 2013. He would further submit that order dated 01.08.2023 was passed in hurry by rejecting the petitioners objections without assigning any reasons.

7. Learned Government Pleader appearing for respondents would submit that the writ petition is neither maintainable under law nor on facts. He further submits that the Vice Chairman and CEO, YTDA has submitted requisition for acquisition of land to an extent of Acs.25.30 guntas and the District Collector, Yadadri Bhuvanagiri Vide reference Lr.No.G/966/2019, dated 04.03.2021 authorized the Revenue Divisional Officer, Bhongir to initiate the process of Land Acquisition. Learned Government Pleader would further submit that the Principal Secretary to Government of Telangana, Municipal Administration & Urban Development (Plg-II) Department issued Memo No.5888/Plg-II/2021, dated 23.04.2021 exempting acquisition of land for Sri Lakshmi Narasimha Swamy Devasthanam, Yadadri and its surrounding areas from the application of provisions of the Chapter-II and Chapter- III of the Act and issued notification in Form A for taking necessary action and in connection to the award none of the petitioners filed any of the documents in proof of their title and while furnishing the draft award the plea raised during the award enquiry was discussed and discarded in the award. The award was passed much before its lapse of extension period i.e., 07.08.2025

and no damages are incurred in the present notification published on 10.08.2021 and no structures were notified and after receiving the compensation, both the land losers have filed representation under Section 64 of the Act, 30 of 2013 for enhancement of compensation and the extension for the preliminary notification and declaration was obtained well in time from the District Collector.

8. Learned Senior Counsel appearing for the petitioner in reply would submit that though the land acquisition officer has passed order refusing objections of the petitioners, however admitted that he did not conduct the enquiry but his predecessor in office has conducted enquiry on 25.03.2023 and as such without conducting any enquiry passing the order within 15 days is illegal. Learned Senior counsel would further submit that though the entire procedure that was taken up under Section 23-A of the Telangana Amendment Act and as per the rules framed under G.O.Ms.No.120, dated 30.06.2017, which permits the authority only to pass a consent Award but not a General Award, whereas in the counter, it was admitted that though the owners have sought

for consent award to their notified land, the same was not considered as the consent award value cannot be fixed for the General award. Learned Senior Counsel would further submit that award dated 27.01.2025 (signed on 25.01.2025 itself) was passed by following the procedure under Section 26(1) of the Act, 2013 but not under the Amendment Act No.21 of 2017 though it was mandated to follow the procedure under Section 23-A of the Amended Act. He eventually submits that the entire land acquisition proceedings were passed without following the RFCTLARR Act and prayed to set aside the proceedings vide RDO File No.B/863/2019, dated 03.08.2023.

9. Heard the learned counsel on either side and perused the record.

10. It is relevant to extract the list of dates and events of acquisition proceedings:

03.08.2021 - Preliminary notification under Section 11 of RFCTLARR Act, 2013 (the 2013 Act hereinafter) was issued vide Gazette No. G/59/2021 and File No. B/863/2019 (dt. Nil.07.2021).

10.08.2021 - Section 11 notice published in newspapers (Sakshi and Vartha Telugu Newspapers).

29.09.2021 - Objections were filed by petitioner Nos.1 to 6 to the preliminary notification and were submitted to the Tahsildar under Section 15(1).

08.08.2022 - District Collector, under Section 19(7) of the 2013 Act, vide Gazette No. G/59/2/21, Collector Letter No. G/966/2019, extended the period to make declaration by 12 months, effective from 10.08.2022.

15.11.2022 - A second set of objections were filed by petitioner Nos.1 to 4, 6 and 7 under Section 15(1) of RFCTLARR Act from petitioners were submitted to the RDO.

10.03.2023 - Notice under Section 15(2) of the 2013 Act was issued by RDO inviting petitioners to attend hearing of objections.

25.03.2023 - Hearing was conducted by RDO as per Section 15(2).

01.08.2023 - Final orders under Section 15(2) of the 2013 Act were passed, considering the objections dt.15.11.2022.

08.08.2023 - Declaration under Section 19(1) is published in newspapers (Sakshi and Janam Sakshi) as per Section 19(4) vide gazette No. G/24/2023, RDO file No. B/863/2019 dt.03.08.2023 and Collector No. G/966/2019 dt.04.08.2023.

31.07.2024 - The period of limitation to pass the award was extended by 12 months, as per the second proviso of Section 25 of the 2013 Act vide Gazette No. G/5/2024, Collector Lr. No. G/966/2019, extending till 07.08.2025.

11.11.2024 - Award Enquiry Notice under Section 21(1) and (2) of the RFCTLARR Act was issued by the Government, proposing to acquire the lands which are required for public purpose, to express their nature of interest in the lands and the amount of compensation.

27.01.2025 - Final Award under Section 23 and 30 of the 2013 Act was passed by the LAO and RDO vide Award Procs. No. B/863/2019.

11. The preliminary notification under Section 11 of the 2013 Act was issued on 03.08.2021 vide Gazette No.G/59/2021 and File No. B/863/2019 (dt. Nil.07.2021). Subsequently, Section 11 notice was

published in Sakshi and Vaartha Daily Telugu Newspaper on 10.08.2021. The section 15 objections from petitioners were submitted to the Tahsildar on 29.09.2021, which is within the statutorily mandated period of sixty days from the date of the preliminary notification. On 15.11.2022, the petitioners submitted a second set of objections to the RDO. Subsequently, the RDO issued a notice under Section 15(2) of the 2013 Act on 10.03.2023 for a hearing, which was eventually conducted on 25.03.2023 and final orders under Section 15 (2) were passed on 01.08.2023, considering the objections dated 15.11.2022, while the first set of objections dt.29.09.2021, were not considered at the time of passing the final orders. The District Collector, under Section 19(7) of the 2013 Act, vide Gazette No. G/59/2/21, Collector Letter No. G/966/2019, extended the period to make declaration by 12 months, effective from 10.08.2022, thus extending its validity until 09.08.2023.

12. After hearing the objections and passing the final orders under Section 15(2), declaration under Section 19(1) of the 2013 Act was issued by the authorities vide gazette No. G/24/2023, RDO file No. B/863/2019 dt.03.08.2023 and Collector No. G/966/2019

dt.04.08.2023 and was published in newspapers (Sakshi and Janam Sakshi) on 08.08.2023 as per Section 19(4) of the Act. Thereafter, the RDO issued Award Enquiry Notice under Section 21 of the 2013 Act, inviting claims to compensation, resettlement and rehabilitation and objections vide Notice No. B/863/2019, following which Final Award under Section 23 and 30 of the 2013 Act was passed by the LAO and RDO vide Award Procs. No. B/863/2019 on 27.01.2025. It is to be noted that the period of limitation for making the final award as per Section 19 is within 12 months from the date of declaration; as per the second proviso of Section 25 of 2013 Act, the authorities are empowered to extend this period by 12 months, which was done vide Gazette No. G/5/2024, Collector Lr. No. G/966/2019 dt. 31.07.2024. Thus, the final award abides by the statutorily mandated timeline.

13. It is pertinent to note that the petitioner Nos.1 to 6 have filed their objections under Section 15(2) in their letter dated 29.09.2021, whereas petitioners 1, 2, 3, 4, 6 and 7 have filed objections in their letter dated 15.11.2022; which makes it clear that, petitioners 1, 2, 3, 4 and 6 have filed objections in both instances. The first set of objections were made within the statutorily stipulated time (i.e. 60 days from the

day of publication of preliminary notification), which were not considered while passing the post-hearing orders dated 01.08.2023. The second set of objections dated 15.11.2022, which were considered while passing the earlier-mentioned orders, are also submitted within time. It is to be noted that since the timeline for the acquisition proceedings were extended by the respondent authorities , the timeline to file objections must also run parallel with the extended timeline for the declaration to enable the petitioners to make objections during the extended timeline. It is the duty of the State to conduct the acquisition efficiently within the extended timelines as such the petitioners would have a right for efficient and expeditious process in the present land acquisition proceedings. Thus, this Court is of the view that both set of objections filed by the petitioners on 29.09.2021 and 15.11.2022 ought to have been considered by the Respondent authorities while passing the post-hearing orders.

14. In the final award dated 27.01.2025, wherein the Rehabilitation and Resettlement Award is passed as per Section 31(1) of the RFCTLARR Act, the Land Acquisition Officer and Revenue Divisional Officer, Bhongir observed that upon conduct of survey as

per Section 16(1), no displacement of land holders or interested persons has taken place and that the proposed land acquisition is not attracted by the provisions of Section 16(1), NIL R&R Award is passed in Form-X.

15. The declaration dated 04.08.2023 was passed under Section 19(1) of the Act 30 of 2013 and Rule 25(1) of the Telangana State Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2014.

16. In ***Kolkata Municipal Corporation Vs. Bimal Kumar Shah¹***, the Hon'ble Supreme Court outlining the seven sub-rights of Constitutional Right to Property, has observed as follows:

“...30. What then are these sub-rights or strands of this swadeshi constitutional fabric constituting the right to property? Seven such sub-rights can be identified, albeit non-exhaustive. These are:

(i) The duty of the State to inform the person that it intends to acquire his property — the right to notice,

(ii) The duty of the State to hear objections to the acquisition — the right to be heard,

¹ (2024) 10 SCC 533

(iii) The duty of the State to inform the person of its decision to acquire - the right to a reasoned decision,

(vi) The duty of the State to demonstrate that the acquisition is for public purpose — the duty to acquire only for public purpose,

(v) The duty of the State to restitute and rehabilitate — the right of restitution or fair compensation,

(vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings - the right to an efficient and expeditious process, and

(vii) The final conclusion of the proceedings leading to vesting — the right of conclusion.

31. These seven rights are foundational components of a law that is tune with Article 300-A, and the absence of one of these or some of them would render the law susceptible to challenge. The judgment of this Court in K.T. Plantation! declares that the law envisaged under Article 300-A must be in line with the overarching principles of rule of law, and must be just, fair, and reasonable. It is, of course, precedentially sound to describe some of these sub-rights as "procedural", a nomenclature that often tends to undermine the inherent worth of these safeguards. These seven sub-rights may be procedures, but they do constitute the real content of the right to property under Article 300-A, non-compliance of these will amount to violation of the right, being without the authority of law.

.....

33.6. The Right to an efficient and expeditious process

33.6.1. The acquisition process is traumatic for more than one reason. The administrative delays in identifying the land, conducting the enquiry and evaluating the objections, leading to a final declaration, consume time and energy. Further, passing of the award, payment of compensation and taking over the possession are equally time-consuming. It is necessary for the administration to be efficient in concluding the process and within a reasonable time. This obligation must necessarily form part of Article 300-A.

33.6.2. Sections 5-A(1), 6, 11-A and 34 of the Land Acquisition Act, 1894, Sections 6(1-A) and 9 of the Requisitioning and Acquisition of Immovable Property Act, 1952, Sections 4(2), 7(4), 7(5), 11(5), 14, 15(1), 16(1), 19(2), 25, 38(1), 60(4), 64 and 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and Sections 3-C(1), 3-D(3) and 3-E(1) of the National Highways Act, 1956, prescribe for statutory frameworks for the completion of individual steps in the process of acquisition of land within stipulated timelines.

33.6.3. On multiple occasions, upon failure to adhere to the timelines specified in law, the courts have set aside the acquisition proceedings?

17. In the present land acquisition proceedings, it appears from the record that final award was passed on 27.01.2025 under Section 23 and 30 of RFCTLARR Act, 2013 and on 27.02.2025, notices under Section 37 were issued and some of the awardees upon receipt of the said notices, have approached the Tahsildar with documents along with proof of their title and after due verification, compensation was released in their favour. Subsequently, some of them have filed representations under Section 64 of RFCTLARR Act, seeking enhancement of the said compensation. Since the proposed project is at an advanced stage and substantial public money has already been deposited and award has been passed, initiating land acquisition proceedings from the very initial stage would cause significant loss to the public exchequer and affect the rights of the land losers who have already received compensation.

18. Considering the case of the petitioners, it is pertinent to note that in the award proceedings, it is stated the petitioners have not submitted documents as a proof of their title however, no reasons were assigned by the respondents as to how the petitioners could not establish their title. On verification of the writ material papers, it

appears from the record that petitioner Nos.1 to 6 have filed a partition deed dated 28.08.2020 in support of their title. Petitioner Nos.2 to 6 have filed the sale deed dated 10.02.2011, petitioner Nos.7 and 8 have filed sale deed dated 31.08.2020 and Petitioner No.9 has filed sale deed dated 28.10.2004 respectively as proof of their title which has to be examined by the respondent authorities.

19. As per the submissions made by the learned Government Pleader, the entire land acquisition proceedings were followed considering the extended timeline in accordance with the provisions of the RFCTLARR Act. Considering the submissions of learned Government Pleader for Land Acquisition, it could be inferred that the objections given during such extended period are deemed to be considered as objections filed within time period for the reason that the extended timeline must parallelly extend the timelines to enable the petitioners to submit their objections. As such, the extended timelines made in the present land acquisition proceedings should not extinguish the rights of the petitioners. Therefore, the objections dated 15.11.2022 which were considered are deemed to be submitted within the extended timeline and the objections filed by the petitioners

earlier on 29.09.2021 within the prescribed time period are also to be considered by the respondent authorities.

20. In light of the above discussion, this Court is of the considered opinion that the respondents have not followed the procedure prescribed for hearing of objections as per Section 15 of RFCTLARR, Act. The final award dated 27.01.2025 passed under Section 23 and 30 of the RFCTLARR Act in so far as the petitioners are concerned is set aside. Accordingly, the respondents are directed to recommence the land acquisition proceedings in so far as petitioners' lands are concerned from the stage of hearing objections under Section 15(2) of RFCTLARR Act and consider the petitioners' objections dated 29.09.2021 and 15.11.2022 together with the documents filed in support of their title and possession. The respondent authorities shall afford the petitioners an opportunity of hearing and, upon proper enquiry, shall pass general award in so far as petitioners concerned, strictly in accordance with law. It is needless to observe that, if the petitioners are aggrieved by the quantum of compensation awarded, they shall be at liberty to avail themselves of such remedies as are available to them in accordance with law.

21. It is further clarified that the other land losers who have already received the compensation and sought enhancement under Section 64 of the RFCTLARR Act are at liberty to work out their remedies in accordance with law.

22. With the above observations and directions, this writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N.V.SHRAVAN KUMAR

03.08.2026

Note: L.R.Copy to be marked: 'Yes'

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PSW