

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY ,THE THIRD DAY OF OCTOBER TWO THOUSAND AND
TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR
WRIT PETITION NO: 25815 OF 2023

Between:

1. Marri Jayant Reddy, S/o.Agireddy,
2. Mani Vasant Reddy, S/o.Agireddy,

Petitioners

AND

1. State of Telangana, rep. by its Principal Secretary, Revenue, Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District.
3. Joint Collector, Rajendranagar Division, Ranga Reddy District.
4. Revenue Divisional Officer, Rajendranagar Mandal, Ranga Reddy District.
5. Hyderabad Metropolitan Water Supply and Sewerage Board, Khairtabad, Hyderabad, Rep. by its Managing Director.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondents in not paying the compensation for acquisition of property of an extent of 3,448 Sq.Yards, situated at Sy.No.14, Mylardevpally Village, Rajendranagar Mandal, Ranga Reddy District, as illegal, arbitrary, highhanded and violative of the orders of this Hon'ble Court in WP No.6465 of 2019 and CC No.718 of 2022, and consequently direct the respondents to pay the necessary compensation along with the interest in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

IA NO: 1 OF 2023:

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 direct the Respondent Nos.2 to 4 to consider the representations of the Petitioners dt.31.08.2023, pending disposal of WP 25815 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI KAILASH NATH P S S Advocate for the Petitioners and GP FOR REVENUE for the Respondents 1 to 4 and Sri G Narendra Reddy (S.C.) for the Respondent 5, the Court made the following.

ORDER:

This is a case where this Court by an order, dated 29.07.2021 in W.P.No.6465 of 2019 directed respondent No.2 therein to initiate necessary proceedings for notifying the land of the petitioners for acquisition and for paying necessary compensation and further directed that the entire exercise shall be completed within a period of four months. Thereafter, complaining violation of the said order, the petitioners filed C.C.No.718 of 2022 before this Court and in the said Contempt Case it was represented that a notification was already issued for acquiring the subject land and an Award would be passed, as expeditiously as possible. Accordingly, the Contempt Case was closed by an order, dated 02.12.2022. Thereafter, as no steps have been taken, the petitioners approached this Court by filing the present Writ Petition.

When the matter is taken up for consideration, it is brought to the notice of this Court by learned Assistant Government Pleader for Land Acquisition that an Award was passed finally on 07.06.2023 for an amount of Rs.5.84 crores and for want of availability of funds, the compensation is not paid to the petitioners.

Respondent No.4 herein is the one who took possession of the subject property, without following due process of law. It is represented by Sri G.Narender Reddy, learned Standing Counsel appearing for respondent No.5 that the Award is not communicated to respondent No.5 till 22.09.2023 and because of the same, funds could not be made available and minimum three (3) months time is required for making the required funds available for payment of compensation pursuant to the Award, dated 07.06.2023.

This Court is unable to accede to the request made by learned Standing Counsel.

When the possession of the subject property was taken over by respondent No.4 in the year 2010, without following due process of law and respondent No.5 is party to W.P.No.6465 of 2019, it is obligatory on the part of respondent No.5 herein to follow up the matter with District Collector concerned for concluding the acquisition proceedings at the earliest to comply with the order passed by this Court in W.P.No.6465 of 2019 and to make available the required compensation amount. But, unfortunately, no such steps are taken by respondent No.5 who illegally occupied and trespassed into the property of the petitioners.

In the circumstances, this Court is of the considered view that respondent No.5 coming in the way of complying with the order passed by this Court in W.P.No.6465 of 2019 and seeking an unreasonable time of three months for making available the required funds. In the circumstances, this Court is constrained to initiate *suo moto* contempt proceedings against respondent No.5 and Registry is directed to register a *suo moto* contempt case against Sri M.Dana Kishore, IAS, Managing Director, HMWS & SB,

Rajendranagar Mandal, Ranga Reddy District and issue notice in Form No.I to respondent No.5.

Post on 07.11.2023.

If the required funds are not made available with the District Collector concerned by 07.11.2023, respondent No.5/contemnor shall appear in-person before this Court.

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue, State of Telangana Secretariat, Hyderabad
2. The District Collector, Ranga Reddy District.
3. Joint Collector, Rajendranagar Division, Ranga Reddy District.
4. Revenue Divisional Officer, Rajendranagar Mandal, Ranga Reddy District. (1 to 4 by RPAD)
5. The Managing Director, Hyderabad Metropolitan Water Supply and Sewerage Board, Khairtabad, Hyderabad. (by Spl. Messenger)
6. One CC to SRI. KAILASH NATH P S S Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
8. The Section Officer, O.S. Section, High Court at Hyderabad
9. One spare copy

HIGH COURT

MSKJ

DATED:03/10/2023

POST ON 07.11.2023

ORDER



WP.No.25815 of 2023

DIRECTION