

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A.No.292 of 2008

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present Writ Appeal is arising out of Order dated 05.11.2007, passed by the learned Single Judge in W.P.No.21635 of 2007.

2. The facts of the case reveal that the writ petition was preferred by the present appellants with the prayer for withdrawal of land acquisition proceedings under Section 48(1) of the Land Acquisition Act, 1894 (for short 'the Act') in respect of the lands admeasuring Ac.0.24 guntas in S.No.28/3, Ac.0.01 guntas in S.No.29/1 and Ac.0.08 guntas in S.No.30/2 of Serilingampally Village and Mandal, Ranga Reddy District.

3. The facts of the case further reveal that the said land was acquired for construction of a track for Metro Rail Transport Services and an award was passed on 10.04.2003.

There was a dispute in respect of the said land regarding ownership and a reference was made by the Land Acquisition Officer under Section 30 of the Act to the civil court to determine the ownership and the entitlement to receive compensation.

4. Learned Single Judge has held that once the title is in dispute and a reference has been made to the civil court to determine the ownership, a person, whose title is in dispute, cannot invoke the provisions of Section 48 of the Act. The writ petition was disposed of holding that the writ petitioners/appellants shall certainly be at liberty to take recourse to the remedies available under the law after the reference made under Section 30 of the Act is decided.

5. This Court is of the opinion that the learned Single Judge was justified in passing the aforesaid order especially, when the title of the writ petitioners/appellants itself was in dispute and the matter was referred to civil court under

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Section 30 of the Act. No case for interference is made out in the matter.

6. Writ Appeal is, accordingly, dismissed.

7. No costs.

As a sequel, Miscellaneous Petitions, pending if any, stand dismissed.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

Date: 01-04-2022
LUR