

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

FRIDAY ,THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1261 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 04/09/2024 in the W P No 34935 of 2022. on the file of the High Court.

Between:

Smt. Palapanla Lalitha, W/o late Venkatesh Aged about 45 years, Occ. Agriculture, R/o Borraipalem Village. Tripuraram Mandal. Nalgonda District.

...APPELLANT/PETITIONER

AND

1. The State of Telangana, Rep.. by its Principal Secretary, Revenue (LA) Department, Secretariat. Hyderabad.
2. The District Collector, Nalgonda District.
3. The Revenue Divisonal Officer/Land Acquisition Officer, Miryalaguda Division, Nalgonda District.
4. The Tahsildar, Tripuraram Mandal, Nalgonda District.
5. The Mandal Parishad Development Officer, Tripuraram Mandal, Nalgonda District.
6. The Executive Engineer, Hosuing Corporation Nalgonda District.

...RESPONDENTS/RESPONDENTS

IA NO: 1 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 direct the Respondent authorities to grant compensation to my land Ac.3-10gts in Sy No. 81/2 of Borraipalem Village, acquired for the purpose of construction of double bedroom houses through proceedings Lr. No.A6852/2007-1

Counsel for the Appellant: SRI. RAPOLU BHASKAR

Counsel for the Respondent Nos. 1to4: AGP FOR LAND ACQUISITION

Counsel for the Respondent No.5: ---

Counsel for the Respondent No.6: SRI C. BUCHI REDDY, SC

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL No.1261 of 2024

JUDGMENT: *(Per the Hon'ble Sri Justice J.Sreenivas Rao)*

This intra court appeal is filed against the order dated 04.09.2024 passed by the learned Single Judge by which Writ Petition No.34935 of 2022 preferred by the appellant has been dismissed.

2. Heard Sri Rapolu Bhaskar, learned counsel appearing on behalf of the appellant and Ms.Radha, learned Assistant Government Pleader for Land Acquisition appearing on behalf of respondent Nos.1 to 4.

3. **Brief facts of the case:**

3.1. The claim of the appellant is that her father-in-law is the owner of the property to an extent of Ac.3-10 gts. in Sy.No.81/2 situated at Borraipalem Revenue Village, Tripuraram Mandal, Nalgonda District. After his death, appellant's husband's name

was mutated in the revenue records and pattedar Passbook and title deeds were also issued. Later, respondent No.3 acquired the subject property for the purpose of allotment to the weaker section houses (Indiramma Houses) and the said land was not utilized for the said purpose. The appellant approached the respondent authorities and submitted a representation requesting to pay the compensation or return the subject property in her favour. When the respondent authorities failed to consider the same, the appellant approached this Court and filed the Writ Petition seeking direction to respondent No.3 to grant compensation to her land, which is acquired under the land acquisition program in the year 2007, or to return the acquired land.

3.2 Learned Single Judge of this Court dismissed the writ petition on the ground that the Land Acquisition Officer passed award dated 25.07.2008, after following due procedure as envisaged under the provisions of Land Acquisition Act, 1894 (for short 'the Act') and the said award has become final on the ground that the

subject land was not utilized by the Government for the very same purpose. Hence, the appellant is not entitled to seek the restitution of the said land. Questioning the said order, appellant has filed the present writ appeal.

4. **Submissions of learned counsel for the appellant:**

4.1. Learned counsel for the appellant vehemently contended that the appellant is the owner of the subject property, whereas, respondent No.3-Land Acquisition Officer has paid the compensation in favour of one Gouru Madhu, who is not having any semblance of right in the subject property and the subject property is not utilized by the respondent authorities and the same is vacant. Hence, the appellant is entitled for return said land.

5. **Submissions of learned Assistant Government Pleader for respondents:**

5.1 *Per contra*, learned Assistant Government Pleader has supported the order passed by the learned Single Judge.

6. **Analysis of the case:**

6.1. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that respondent No.3 initiated the land acquisition proceedings for acquisition of the subject land and passed award vide proceedings No.E2/3133/2007, dated 25.07.2008. The said land was allotted to the beneficiaries under the said scheme through proceedings No.A/6852/2007, dated Nil.08.2010. The beneficiaries have not constructed the houses thereafter. Hence, the Government reserved the land for the purpose of construction of Double Bedroom houses and issued proceedings in Lr.No.A/6852/2007-1, dated 18.03.2017. Since then the subject property is under the possession of the Government and the Government wants to utilize the same for construction of 2 BHK houses.

6.2. It is pertinent to mention that neither the appellant nor her husband and father-in-law have made any objections during the course of award

enquiry. The respondent No.3-Land Acquisition Officer has passed the award dated 25.07.2008, after following the due procedure under the Act. The appellant has not questioned the said award and the same has become final. The Land Acquisition Officer has paid the compensation after due verification of the revenue records, in favour of Gouru Madhu. After lapse of more than 16 years, the appellant filed the Writ Petition seeking payment of compensation of the amount or return of the land.

6.3. It is also relevant to place on record that, in ***Northern Indian Glass Industries v. Jaswant Singh and Others***¹, the Hon'ble Apex Court has held that if the land was not used for the purpose for which it was acquired, it was open to the State Government to take action, but that did not confer any right on the parties, to ask for restitution of the land. In view of the above preposition of law, the appellant is not entitled for restitution of the land merely because the subject

¹ (2003) 1 SCC 335

land was not utilized for the purpose, which it was acquired.

7. For the foregoing reasons, this Court does not find any ground to interfere with the impugned order passed by learned Single Judge.

8. Accordingly, the writ appeal is dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

SD/- B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI. RAPOLU BHASKAR, Advocate [OPUC]
2. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI. C. BUCHI REDDY, SC [OPUC]
4. Two CD Copies

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GJP

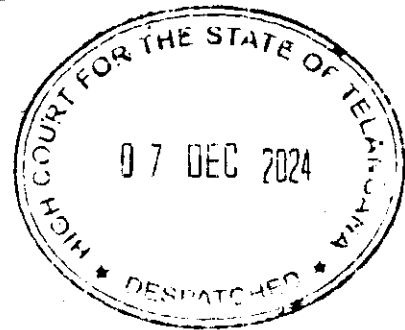
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HIGH COURT

DATED:08/11/2024

JUDGMENT

WA.No.1261 of 2024



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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