

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: W.P.Nos. 6898 & 6973 of 2025

PROCEEDING SHEET

S. No	DATE	ORDER	OFFICE NOTE
1	06.03.2025	<p><u>JSR, J</u></p> <p>Notice before admission.</p> <p>Mr. S. Rahul Reddy, learned Special Government Pleader, takes notices on behalf of the respondents.</p> <p>In both these writ petitions, the petitioners have questioned the impugned notifications issued by respondent No.2 invoking the provisions of Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act") for acquisition of land admeasuring Acs.351.10 gts., and Acs.110.32 gts., situated at Hakimpet and Lagacherla Village respectively of Dudiyaal Mandal, Vikarabad District for establishment of Multipurpose Industrial Park in favour of respondent No.5.</p> <p>Mr. B.S. Prasad, learned Senior Counsel, representing Mr. N. Praveen Kumar, learned counsel for the petitioner in W.P.No.6898 of 2025, submits that the petitioner is the owner of agricultural land to an extent of Ac.2.00 in Sy.No.252/103 situated at Hakimpet Village, Dudiyaal Mandal, Vikarabad District, and the subject land is an assigned land. Initially, respondent</p>	

	<p>No.1 issued notification on 01.08.2024 for establishment of Pharma Villages in the neighbouring village i.e., Lagacharla Village, Dudyala Mandal, Vikarabad District, to acquire the land to an extent of Acs. 632.26 guntas under the provisions of the Act and the said notification was withdrawn on 27.11.2024. Immediately after two days i.e., on 29.11.2024, respondent No.2 issued the impugned notifications exercising the powers conferred under Section 10A of the Act dispensing with the provisions of Chapter Nos.II and III of the Act especially without invoking urgency clause under Section 40 of the Act. He further submits that Section 10A of the Act is not applicable to the present notifications on the ground that the respondents are acquired the land for establishment of Multipurpose Industrial Park and the same does not fall under the ambit of the provisions of the Act, as such, invocation of Section 10A of the Act is illegal.</p> <p>Mr. V. Raghunath, learned Senior Counsel, submits that the petitioners in W.P.No.6973 of 2025 are the owners and possessors of agricultural land to an extent of Acs.6.15 gts., situated at Lagacherla Village, Dudyal Mandal, Vikarabad District, and the said land is assigned land and the petitioners are below the poverty line and except the above said property, the petitioners are not having any other property. He further</p>	
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	<p>submits that as per the provisions of the Act, the respondent authorities ought to have follow Chapter Nos.II and III of the Act. In the event the subject land is required urgently, at least they have to follow the procedure contemplated under Section 40 of the Act. On the other hand, the respondent authorities intentionally to defeat the rights of the petitioners exempted Chapter Nos.II and III of the Act and also not invoked Section 40 of the Act and exercised the powers under Section 10A of the Act and the said action of the respondents is in gross violation of the principles of natural justice and also violative of Article 300-A of the Constitution of India.</p> <p><i>Per contra</i>, Sri S. Rahul Reddy, learned Special Government Pleader, submits that the petitioners have not specifically raised any ground questioning the powers of the respondent authority in exercising the powers conferred under Section 10A of the Act. Respondent No.2 has rightly exercised the powers conferred under the provisions of Section 10A(d) of the Act and issued the impugned notifications under Section 11(1) of the Act for establishment of Multipurpose Industrial Park by dispensing with Chapter Nos.II and III of the Act. Therefore, the question of invocation of urgency clause as enumerated under Section 40 of the Act does not arise. He further submits that as on today, the proceedings have not yet reached</p>	
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	<p>up to the stage of Section 15 and the petitioners have not raised any valid ground for questioning the preliminary notifications issued under Section 11(1) of the Act and therefore, the petitioners are not entitled to seek any interim order.</p> <p>Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioners are claiming the rights over the subject property basing upon the assignment pattas granted by the then revenue authorities and their names were mutated in the revenue records and pattadar passbooks and title deeds were issued. It is not in dispute that initially the respondent authorities have issued notification proposing to acquire vast extent of land admeasuring Acs.632.26 gts., on 01.08.2024 for the purpose of Pharma Villages and the said notification was withdrawn on 27.11.2024. Subsequently, respondent No.2 issued the impugned notifications on 29.11.2024 to acquire an extent of Acs.351.10 gts., and Acs.110.32 gts., situated at Hakimpet and Lagacherla Village respectively of Dudiyaal Mandal, Vikarabad District, for establishment of Multipurpose Industrial Park in favour of respondent No.5 Corporation.</p> <p>In these writ petitions, the petitioners have raised several grounds, especially</p>	
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		<p>respondent No.2 has issued the impugned notifications by invoking the provisions of Section 10A of the Act by dispensing with the provisions of Chapter No.II (Sections 4 to 9) deals with 'Determination of Social Impact and Public Purpose' and Chapter No.III (Section 10) deals with 'Special Provision to Safeguard Food Security' and also raised a ground that Section 10A of the Act would not applicable for the present notifications including the ground that the respondents have not invoked Section 40 of the Act.</p> <p>Whether the impugned notifications issued by respondent No.2 exercising the provisions of Section 10A of the Act by dispensing with Chapter Nos.II and III is permissible or not, including the applicability of Section 40 of the Act, those aspects have to be required detailed adjudication/ examination basing on the counter affidavit of the respondents.</p> <p>The petitioners have questioned the notifications in these writ petitions with respect to entire extent of land i.e., Acs.351.10 gts., and Acs.110.32 gts. respectively, though the petitioner in W.P.No.6898 of 2025 is claiming rights in respect of land admeasuring Acs.2.00 in Sy.No.252/103 and the petitioners in W.P.No.6973 of 2025 are claiming rights in respect of land admeasuring Acs.6.15 guntas. This Court is of the considered view that the</p>	
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		<p>petitioners are not entitled to seek stay of entire extent of land mentioned in the notifications.</p> <p>Accordingly, the impugned notifications, dated 29.11.2024, issued by respondent No.2 is stayed, only in respect of the petitioners' subject land i.e., an extent of Acs.2.00 gts., in W.P.No.6898 of 2025 and an extent of Acs.6.15 gts., in W.P.No.6973 of 2025.</p> <p>Post on 07.04.2025.</p> <p>Meanwhile, the respondents are directed to file counter affidavit.</p> <p style="text-align: right;">JSR, J</p> <p>ES</p>	
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