

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO
WRIT PETITION Nos: 6898 AND 6973 OF 2025

WP.NO. 6898 OF 2025

Between:

Kummari Shiva Kumar, S/o. Kummari Venkataiah Aged about 37 years, Occ.
Agriculture R/o. H. No. 2-78/1, Hakimpet Village, Dudiya Mandar, Vikarabad
District, Telangana State.

Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary (Land Acquisition)
Revenue Department Secretariat, Hyderabad
2. The District Collector, Vikarabad District
3. The Revenue Divisional Officer, Lagacherla Division, Vikarabad District
4. The Tahsildar, Dudiya Mandar Vikarabad District
5. Telangana State Industrial Infrastructure Corporation Ltd, Rep by its
Managing Director Parishrama Bhavan 6th Floor LB Stadium Road Fateh
Maidan Basheerbagh Hyderabad 500 004

Respondents

WHEREAS the Petitioner above named through his Advocate SRI N PRAVEEN KUMAR presented this 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 an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus declaring the action of Respondents in issuing the impugned Notification dt. 29.11.2024 vide Gazette No. VKB-16, dt. 29.11.2024 for acquisition of land to an extent of Ac. 351-10 gts situated at Hakimpet Village, Dudiya Mandar, Vikarabad District, for Establishment of Multipurpose Industrial Park as illegal arbitrary, malafide, un-sustainable and without following the procedure as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as held under Sections 4 to 8, 11, 15 and 26, without invoking Urgency clause as per section 40 of the Act, 2013 and without mentioning the Exact extent of lands being acquired and in violation of Article 14, 19, 21 and 300-A of Constitution of India and is in violative of principles of natural justice and consequently set-aside the land acquisition proceedings vide Gazette No. VKB-16 dt. 29.11.2024 in respect of the above mentioned property belonging to the petitioner;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI B.S. PRASAD, Senior Counsel

representing Sri N PRAVEEN KUMAR Advocate for the Petitioner, SRI S. RAHUL REDDY, Special GP for the respondents, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, State of Telangana, (Land Acquisition) Revenue Department Secretariat, Hyderabad.
2. The District Collector, Vikarabad District
3. The Revenue Divisional Officer, Lagacherla Division, Vikarabad District
4. The Tahsildar, Dudiya Mandal Vikarabad District
5. The Managing Director, Telangana State Industrial Infrastructure Corporation Ltd, Parishrama Bhavan 6th Floor LB Stadium Road Fateh Maidan Basheerbagh, Hyderabad 500 004.

are directed to show cause on or before 07.04.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay all proceedings in pursuant to the impugned Notification dt. 29.11.2024 vide Gazette No. VKB-16 dt. 29.11.2024, pending disposal of WP No. 6898 of 2025, on the file of the High Court.

WP. NO: 6973 OF 2025

Between:

1. Pathlavith Gopal Nayak, S/o. Hari Chandar Nayak Aged about 52 years, Occ. Agriculture, R/o. H. No. 4-4/2, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
2. Pathlavith Tulasi Bai, W/o. P. Gopal Nayak Aged about 40 years, Occ. Agriculture R/o. H. No. 4-4/2, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
3. Pathlavath Shiva Prasad Tej, S/o. Gopal Naik Aged about 18 years, Occ. Agriculture R/o. H. No. 4-4/2, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
4. Pathlavath Sai Kiran Tej, S/o. Gopal Naik Aged about 16 years, Occ. Student R/o. H. No. 4-4/2, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
5. Pathlavath Kishan Nayak, S/o. Hari Chandar Nayak Aged about 50 years, Occ. Agriculture R/o. H. No. 4-4/1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
6. Pathlovath Srinivas, S/o. P. Kishan Naik Aged about 28 years, Occ. Agriculture R/o. H. No. 4-4/1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.

7. Raghu Nayak, S/o. Kishan Nayak Aged about 31 years, Occ. Agriculture R/o. H. No. 4-4/1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
8. Pathlavath Hanumanthu Naik, S/o. Kishan Nayak Aged about 32 years, Occ. Agriculture R/o. H. No. 4-4/1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
9. Pathlavath Hari Chandar Nayak, S/o. Teja Nayak Aged about 84 years, Occ. Agriculture R/o. H. No. 4-32, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
10. Pathlavath Lakshman Nayak, S/o. P. Hari Chandar Nayak Aged about 49 years, Occ. Agriculture R/o. H. No. H. No. 4-4, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
11. Pathlavath Kamali Bai, S/o. Sankar Nayak Aged about 44 years, Occ. Agriculture R/o. H. H. No. 4-4, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
12. Pathlavath Manikya Nayak, S/o. P. Bdrya Nayak Aged about 69 years, Occ. Agriculture R/o. H. No. 4-5/1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
13. Pathlavath Lalitha, W/o. Pathlavath Ravi Aged about 32 years, Occ. Agriculture R/o. H. No. 4-1, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
14. Pathlavath Bdrya Nayak, S/o. Teja Nayak Aged about 86 years, Occ. Household R/o. H. No. 4-5, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.
15. Pathlavath Neelamma, W/o. P. Bdrya Nayak Aged about 81 years, Occ. Agriculture R/o. H. No. 4-84, Lagacherla Post, Pulicherla Kunta Tanda, Bomraspet Mandal, Vikarabad District.

Petitioners

AND

1. The State of Telangana, Rep by its Principal Secretary (Land Acquisition)
Revenue Department Secretariat, Hyderabad
2. The District Collector, Vikarabad District
3. The Revenue Divisional Officer, Lagacherla Division, Vikarabad District
4. The Tahsildar, Dudyal Mandal Vikarabad District
5. Telangana State Industrial Infrastructure Corporation Ltd., Rep by its
Managing Director Parishrama Bhavan 6th Floor LB Stadium Road Fateh
Maidan Basheerbagh Hyderabad 500 004

Respondents

WHEREAS the Petitioner above named through their Advocate SRI SUDARSHAN MALUGARI presented this 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 an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus declaring the action of Respondents in issuing the impugned Notification dt. 29.11.2024 vide Gazette No. VKB-15/2024 dt. 29.11.2024 for acquisition of land to an extent of Ac. 110-32 gts situated at Lagacherla Village, Dudyal Mandal, Vikarabad District, for Establishment of Multipurpose Industrial Park as illegal arbitrary, malafide, un-sustainable and without following the procedure as contemplated under the Right to Fair

Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as held under Sections 4 to 8, 11, 15 and 26, without invoking Urgency clause as per section 40 of the Act, 2013 and without mentioning the Exact extent of lands being acquired and in violation of Article 14, 19, 21 and 300-A of Constitution of India and is in violative of principles of natural justice and consequently set-aside the land acquisition proceedings vide Gazette No. VKB-15/2024 dt. 29.11.2024 in respect of the above mentioned property belonging to the petitioner;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI V. RAGHUNATH, Senior Counsel represents Sri SUDARSHAN MALUGARI Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary (Land Acquisition), State of Telangana, Revenue Department Secretariat, Hyderabad
2. The District Collector, Vikarabad District
3. The Revenue Divisional Officer, Lagacherla Division, Vikarabad District
4. The Tahsildar, Dudyal Mandal Vikarabad District
5. The Managing Director, Telangana State Industrial Infrastructure Corporation Ltd., Parishrama Bhavan 6th Floor LB Stadium Road Fateh Maidan Basheerbagh Hyderabad 500 004.

are directed to show cause on or before 07.04.2025 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to Stay all proceedings in pursuant to the impugned Notification dt. 29.11.2024 vide Gazette No. VKB-15/2024 dt. 29.11.2024, pending disposal of WP No. 6973 of 2025, on the file of the High Court.

**The Court made the following:
ORDER**

Notice before admission.

Mr. S. Rahul Reddy, learned Special Government Pleader, takes notices on behalf of the respondents.

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.

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 No.1 issued notification on 01.08.2024 for establishment of Pharma Villages in the neighbouring village i.e., Lagacherla Village, Dudiyaal 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.

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, Dudiyaal 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 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.

Per contra, 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 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.

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 Dudiya Mandal, Vikarabad District, for establishment of Multipurpose Industrial Park in favour of respondent No.5 Corporation.

In these writ petitions, the petitioners have raised several grounds, especially 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 be applicable for the present notifications including the ground that the respondents have not invoked Section 40 of the Act.

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.

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 petitioners are not entitled to seek stay of entire extent of land mentioned in the notifications.

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.

Post on 07.04.2025.

Meanwhile, the respondents are directed to file counter affidavit.

SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary (Land Acquisition), State of Telangana, Revenue Department Secretariat, Hyderabad
2. The District Collector, Vikarabad District
3. The Revenue Divisional Officer, Lagacherla Division, Vikarabad District
4. The Tahsildar, Dudyal Mandal Vikarabad District
5. The Managing Director, Telangana State Industrial Infrastructure Corporation Ltd., Parishrama Bhavan 6th Floor LB Stadium Road Fateh Maidan Basheerbagh Hyderabad 500 004.
(RR 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. N PRAVEEN KUMAR Advocate [OPUC]
7. One CC to SRI. SUDARSHAN MALUGARI Advocate [OPUC]
8. Two CCs to GP FOR LAND ACQUISITION, High Court at Hyderabad. [OUT]
9. Two CCs to GP FOR REVENUE, High Court at Hyderabad. [OUT]
10. One spare copy

HIGH COURT

JSRJ

DATED:06/03/2025

POST ON 07.04.2025

NOTICE BEFORE ADMISSION

WP.Nos.6898 and 6973 of 2025

DIRECTION

