

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT: HYDERABAD

CORAM:

\* THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

+ WRIT PETITION No.37323 OF 2021

% Delivered on: 03.01.2022

Between:

# Yetukuri Rangaiah .. Petitioner

Vs.

\$ State of Telangana,  
Rep. by its Principal Secretary,  
Revenue Department,  
Secretariat, Hyderabad,  
and others

.. Respondents

! Counsel for the Petitioner : Sri Burra Ramesh

^ Counsel for Respondent Nos.1 to 4 : learned Government  
Pleader for Land Acquisition

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? Cases Referred :

1. (1997) 2 SCC 627
2. (2005) 1 Supreme Court Cases 558
3. (2013) 4 Supreme Court Cases 524

**THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY****WRIT PETITION No.37323 of 2021****ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for respondent Nos.1 to 4. With their consent, the Writ Petition is disposed of at the stage of admission.

2. This writ petition is filed questioning the action of the respondent authorities in not taking steps to return the land, admeasuring Acs.7.14 guntas, in Survey No.122/AA, situated at Polepally Village, Khammam Rural Mandal, Khammam District, which was acquired *vide* Award No.17/1969, dated 09.03.1970, for the purpose of construction of Main Canal in the limits of Polepally Village.

3. Learned counsel for the petitioner has stated that originally the grandfather of the petitioner was the pattadar and possessor of the subject land, which was acquired way back in the year 1970 for construction of Main Canal in the limits of Polepally. That Award was passed on 09.03.1970 and the compensation amount was also paid to the petitioner. But, the Government failed to utilise the said land for the purpose for which it was acquired. Learned counsel has further stated that a part of the subject land along with some other extents of land was alienated to respondent No.5-Gurudakshina Foundation for the purpose of construction of 100 bed Nature Cure Hospital *vide* G.O.Ms.No.532 Revenue (Assn.II) Department, dated

23.04.2003. But, respondent No.5 also failed to utilise the land for the purpose for which it was allotted. Learned counsel has further stated that the subject land is still vacant, and therefore, the respondent authorities may be directed to take necessary action against the respondent No.5, resume the land and handover the same to the petitioner as per Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Per contra, the learned Government for Land Acquisition has vehemently opposed the very maintainability of the writ petition contending that the writ petition is filed after a lapse of more than 50 years of acquisition. Learned Government Pleader has stated that the Government has paid the entire compensation amount to the petitioner and that the petitioner, having received the compensation amount, now cannot seek return of the acquired land after a lapse of more than five decades. Learned Government has further stated that once the full compensation amount is paid, the land is free from all encumbrances and vests in the State absolutely, and the authorities concerned can utilise the acquired land for any other public purpose, even if not required for the original purpose for which it was acquired.

5. A perusal of the documents, more particularly, the Award dated 09.03.1970 shows that the subject land was acquired way back in the year 1970. Once the land was acquired for public purpose and

the full compensation amount was paid, the said land vests in the Government absolutely. Even if the said land is not utilised for the purpose for which it is acquired, it is for the Government to utilise the said land for any other public purpose.

6. The Hon'ble Supreme Court, in ***C. Padma v. Dy. Secretary to the Government of T.N***<sup>1</sup>, held as under:

*"Acquired land having vested in the State and the compensation having been paid to the claimant, he was not entitled to restitution of possession on the ground that either original public purpose had ceased to be in operation or the land could not be used for other purpose."*

7. The Hon'ble Supreme Court, in ***Govt. of A.P. v. Syed Akbar***<sup>2</sup>, while setting aside the order passed by the High Court ordering for return of the land, has held as under:

*"From the position of law made clear in the aforementioned decisions, it follows that (1) under Section 16 of the Land Acquisition Act, the land acquired vests in the Government absolutely free from all encumbrances; (2) the land acquired for a public purpose could be utilised for any other public purpose; and (3) the acquired land which is vested in the Government free from all encumbrances cannot be reassigned or reconveyed to the original owner merely on the basis of an executive order."*

8. The Hon'ble Supreme Court, in ***Mahadeo (dead) through LRs.v. State of Uttar Pradesh***<sup>3</sup>, has held as under:

*"There is no dispute with regard to the settled proposition of law that once the land is acquired and mandatory requirements are complied with including possession having been taken, the land*

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<sup>1</sup> (1997) 2 SCC 627

<sup>2</sup> (2005) 1 Supreme Court Cases 558

<sup>3</sup> (2013) 4 Supreme Court Cases 524

*vests in the State Government free from all encumbrances. Even if some unutilised land remains, it cannot be reconveyed or reassigned to the erstwhile owner by invoking the provisions of the Land Acquisition Act."*

9. In view of the ratio laid down by the Hon'ble Supreme Court in the aforestated judgments, and on the ground of laches, the prayer sought in the writ petition cannot be granted after a lapse of more than five decades and the writ petition is liable to be dismissed.

10. The writ petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**A.ABHISHEK REDDY, J**

Date : 03.01.2022

Note:

L.R. copy to be marked.

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