

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION NO: 28275 OF 2019

Between:

1. Joginipally Sudhakar Rao, S/o. Venkat Rao, aged about 69 years, Manwada Village, Boinpalle Mandal, Rajanna Siricilla District,
2. Joginipally Umapathi, S/o. Sudhakar Rao, aged about 38 years, Manwada Village, Boinpalle Mandal, Rajanna Siricilla District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, (Revenue) Land Acquisition, Secretariat Buildings, Hyderabad.
2. The District Collector, Siricilla, Siricilla District.
3. The Executive Engineer (Irrigation), Division II, IFFC Circle, LMD Colony, Karimnagar.
4. The Special Deputy Collector-cum-Revenue Divisional Officer, Siricilla.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the in action on the part of the respondents in not include the petitioners 1 and 2 in the list of Beneficiaries Published in the Gazette Notification, and not paying the financial assistance @ Rs.4.50 lakhs project affected families under Mid Manair project in manwada village in the form of Ex-gratia as per the G.O.Ms.No.110 Dated 6/9/2018 to the house.No.1-11 owned by the first petitioner and H.No.4-54 owned by the 2nd petitioner situated at Manuwada Village,Boinpalli

Mandal, Rajanna Sircilla District in lieu of all the hampered development of village in accordance with Law in respect of H.No.1-11 and H.No.4-54 of Manuwada Village, Boinpalli Mandal, Rajanna Sircilla District.

I.A. NO: 1 OF 2019

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 consider the recommendations of M.R.O. dated 4/1/2019 include the petitioners 1 and 2 in the list of Beneficiaries and direct the respondents to pay financial assistance @ Rs.4.50 lakhs to each petitioner being the project affected families under mid Maair project in Manwada village in the form of Ex-gratia as per the G.O.Ms.No.110 Dated 6/9/2018 to H.No.1-11 owned by the first petitioner and H.No.4-54 owned by the 2nd petitioner situated at Manuwada Village, Boinpalli Mandal, Rajanna Sircilla District pending disposal of the above said writ petition.

Counsel for the Petitioner: SRI B. ARJUN RAO

Counsel for the Respondents: AGP FOR LAND ACQUISITION (TG)

The Court made the following: ORDER

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

THE HONOURABLE SRI JUSTICE VAKITI RAMA KRISHNA REDDY

W.P.No.28275 of 2019

Date: 12.08.2026

Between:

Joginipally Sudhakar Rao and another

... Petitioners

AND

The State of Telangana and 3 others

...Respondents

:ORDER:

This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief:-

“...to issue a writ or order or direction more particularly in the nature of writ of mandamus declaring the action on the part of the respondents in not include the petitioner Nos.1 and 2 in the list of Beneficiaries Published in the Gazette Notification, and not paying the financial assistance or Rs.4.50 lakhs project affected families under Mid Manair project in Manwada village in the form of Ex-gratia as per the G.O.Ms.No.110 Dated 6/9/2018 to the house.No.1-11 owned by the first petitioner and H.No.4-54 owned by the 2nd petitioner situated at Manuwada Village, Boinpalli Mandal, Rajanna Sircilla District in lieu of all the hampered development of village in accordance with Law in respect of H.No.1-11 and H.No.4-54 of Manuwada Village, Boinpalli Mandal, Rajanna Sircilla District....”

2. Heard Sri Heard Sri B. Arjun Rao, learned counsel appearing for the petitioners, and Sri B. Vijay Kumar, learned Assistant Government Pleader for Land Acquisition, appearing for the respondents.

FACTS

3. The case of the petitioners is that petitioner No.1 is the owner of House No.1-11 and petitioner No.2 is the owner of House No.4-54, both situated at Manwada Village, Boinpalli

Mandal, Rajanna Sircilla District (hereinafter referred to as "the subject properties") Manwada Village came to be submerged on account of the Mid Manair Reservoir Project, and by G.O.Ms.No.17, I&CAD (PW:LA.IV-P&R) Department, dated 03.03.2010, the village was declared as fully submerged. For the said purpose, a notification was issued and the subject properties were acquired. At the time of initiation of the acquisition proceedings, estimates in respect of the subject properties were prepared upon inspection thereof.

4. Subsequently, the Government issued G.O.Ms.No.110, Irrigation and CAD (LA.R&R/A2) Department, dated 06.09.2018, according permission to provide financial assistance of Rs.25.84 crore, at the rate of Rs.4.25 lakhs each, to 608 Project Affected Families under the Mid Manair Project in Manwada Village, in the form of ex-gratia, in lieu of all the hampered development of the village.

5. According to the petitioners, their names were not included in the list of beneficiaries at the time of preparation of the said list by the Deputy Executive Engineer, R&B Sub-Division. The petitioners therefore approached respondent No.6 seeking inclusion of their names in the beneficiaries list. The

then Tahsildar, Boinpalli Mandal, after conducting an enquiry, recommended the names of the petitioners for inclusion in the beneficiaries list and issued proceedings No.C/1005-3/2018, dated 04.01.2019. The grievance of the petitioners is that, notwithstanding the said recommendation, their names have not been included in the beneficiaries list. Hence, the present Writ Petition.

SUBMISSIONS

A. Submissions on behalf of the petitioners

6. Learned counsel for the petitioners submitted that the petitioners are the owners of the subject properties, which were acquired for the Mid Manair Project, and that the Government, under G.O.Ms.No.110, dated 06.09.2018, sanctioned financial assistance in the form of ex-gratia to the project affected families of Manwada Village. It was submitted that, after conducting the necessary enquiry, the Tahsildar recommended inclusion of the names of the petitioners in the beneficiaries list by proceedings dated 04.01.2019.

7. Learned counsel further submitted that the claim of the petitioners is required to be considered with reference to the relevant Resettlement and Rehabilitation policy and the

definitions of "Family", "Project Affected Family" and "Project Displaced Family", besides the other Government Orders relied upon by the petitioners. It was contended that the recommendation made by the Tahsildar could not have been ignored without properly considering the material placed by the petitioners.

B. Submissions on behalf of the respondents

8. Learned Assistant Government Pleader, relying upon the counter-affidavit filed on behalf of respondent No.4, submitted that, pursuant to the recommendation of the Tahsildar dated 04.01.2019, which was based on the Ration Cards standing in the names of the petitioners and issued in the year 2006, the Revenue Divisional Officer, Sircilla, directed the Tahsildar to conduct an enquiry and submit a detailed report as to whether the petitioners had been residing in Manwada Village during the three years preceding Notification No.52, dated 13.06.2006.

9. It was submitted that, pursuant to the said direction, the Tahsildar, Boinpalli, submitted a report dated 01.02.2020 stating that the petitioners had not resided in Manwada Village at the time of the Socio Economic Survey, or during the three years preceding Gazette Notification No.52, dated 13.06.2006.

Therefore, according to the respondents, the petitioners do not fall within the category of Project Affected Families and are not entitled to the R&R benefits claimed by them.

10. Learned Assistant Government Pleader further submitted that, according to the clarification issued vide Government of Andhra Pradesh Memo No.16697/R&R/A.2/2011-1, dated 02.08.2011, read with Clause 5.4(a) of the State R&R Policy, 2005, issued in G.O.Ms.No.68, I&CAD (PW.LA.IV R&R) Department, dated 08.04.2005, members of families who are permanently residing, or practising any trade, occupation or vocation, in the Project Affected Area are eligible for the benefits under the R&R Policy; and that persons who are not permanently residing in the Project Affected Area are, accordingly, not eligible for the other benefits under the R&R Policy, except the value of their structures. It was also contended that the Writ Petition is hit by laches.

POINT FOR DETERMINATION

11. In view of the rival submissions and having regard to the material placed on record, the following point arises for determination:

Whether the claim of the petitioners to ex-gratia under G.O.Ms.No.110, dated 06.09.2018, can be adjudicated in these proceedings?

ANALYSIS

12. At the outset, the controversy involved in the present case revolves around the entitlement of the petitioners to payment of ex-gratia under G.O.Ms.No.110, dated 06.09.2018, issued by the Irrigation and CAD (LA.R&R/A2) Department. To consider the issue involved in the present Writ Petition, it is appropriate to refer to the said Government Order, the relevant portions whereof are extracted hereunder:

"2. In the reference 2nd read above, the District Collector, Rajanna Sircilla has informed that in G.O.Ms.No.17, I&CAD (PW:LA.IV-P&R) Dept., dt.03.03.2010 was issued declaring Manwada village as fully submerged under Mid Manair Reservoir. After issuing the said G.O. there is no development in the village i.e., roads, drains etc. He has therefore requested to provide cash compensation in lieu of R&R Colony. After examining the matter, it was requested to direct the members of the Three Men Committee constituted in the reference 5th read above to inspect the Manwada village and submit their report to Government on the subject matter through Commissioner, R&R for taking further action in the matter.

3. In the reference 6th read above, the Commissioner, R&R & LA has furnished the report of the 3 men committee, which among other recommended that a considerable financial assistance upto 4.25 lakhs in the form of ex-gratia may be extended to the affected families with the condition that they shall not approach any legal forum for enhancement of proposed ex-gratia in lieu of all the hampered development of the village for last 8 years. This will help in enhancement of socio economic conditions of the affected families.

4. Government after careful examination of the above proposal, hereby accord permission to provide financial assistance for an amount of Rs.25.84/- Crore @ Rs.4.25/- Lakhs to 608 Project Affected Families under Mid Manair Project in Manwada Village of Boinpalli Mandal, Rajanna Sircilla District in the form of ex-gratia in lieu of all the hampered development of village for the last 8 years subject to condition that they shall not approach any legal forum for enhancement of ex-gratia”.

13. A perusal of the above Government Order makes it clear that the Government intended to extend financial assistance to the Project Affected Families under the Mid Manair Project. The entitlement of the petitioners, therefore, turns upon whether they satisfy the requirements applicable to such families under the relevant Resettlement and Rehabilitation policy — a question which is essentially factual in character.

14. It is the specific contention of the petitioners that the Tahsildar, after conducting the necessary enquiry, recommended their names for inclusion in the beneficiaries list vide proceedings dated 04.01.2019. However, after the filing of the present Writ Petition, a counter-affidavit came to be filed stating that the Revenue Divisional Officer had directed the Tahsildar to conduct a further enquiry into the question whether the petitioners had been residing in Manwada Village during the three years preceding Notification No.52, dated



13.06.2006, and that, pursuant thereto, the Tahsildar submitted a report dated 01.02.2020 stating that the petitioners had not resided in the village at the time of the Socio Economic Survey or during the said three-year period.

15. Though learned counsel for the petitioners has extensively argued with regard to the entitlement of the petitioners to the benefit under the said Government Order, by drawing the attention of this Court to the relevant Government Orders, including the definitions of "Family", "Project Affected Family" and "Project Displaced Family" contained in the Policy on Resettlement and Rehabilitation for Project Affected Areas, 2005, as well as to various factual aspects relating to the petitioners' residence in the village at the relevant point of time, this Court is of the considered opinion that these disputed questions of fact cannot appropriately be adjudicated in the present proceedings.

16. In particular, there are two reports of the Tahsildar which take divergent views on the very same factual question. The earlier proceedings dated 04.01.2019 resulted in a recommendation in favour of the petitioners, whereas the subsequent report dated 01.02.2020 records a contrary

position. The material placed before this Court does not disclose the reasons for which the subsequent report departed from the earlier recommendation, nor does it disclose that the petitioners were heard before the said report came to be submitted. In such circumstances, it would neither be appropriate nor permissible for this Court to adjudicate upon the disputed questions of fact relating to the petitioners' entitlement in exercise of jurisdiction under Article 226 of the Constitution of India.

17. In so far as the plea of laches is concerned, it is to be noticed that G.O.Ms.No.110 was issued on 06.09.2018, that the proceedings recommending the inclusion of the petitioners were issued on 04.01.2019, and that the present Writ Petition came to be filed in the year 2019. In any event, since this Court is not adjudicating the claim of the petitioners on merits, but is remitting the matter for a fresh enquiry, it is open to respondent No.2 to consider the said objection also, along with the other contentions of the parties.

18. It is also to be noticed that, on the own showing of the respondents, persons who are not permanently residing in the Project Affected Area, though ineligible for the other benefits

under the R&R Policy, nevertheless remain entitled to the value of their structures. Since the petitioners assert ownership of the acquired houses, that limb of the claim shall also be examined by respondent No.2, independently of the claim to ex-gratia under G.O.Ms.No.110.

19. In the circumstances, this Court considers it appropriate to direct respondent No.2 to conduct an enquiry by affording an opportunity of hearing to the petitioners and by considering the entirety of the relevant material, including the earlier recommendation of the Tahsildar and the subsequent report.

CONCLUSION AND RESULT

20. Accordingly, this Writ Petition is disposed of, directing respondent No 2 to conduct an enquiry afresh with regard to the entitlement of the petitioners to the R&R benefits/ex-gratia as provided under G.O.Ms.No.110, dated 06.09.2018, in the following terms:

- (i) The petitioners shall submit a representation, along with all relevant documents, before respondent No.2 within a period of two (02) weeks from the date of receipt of a copy of this order.

(ii) Upon receipt of such representation, respondent No.2 shall conduct a detailed enquiry after affording an opportunity of hearing to the petitioners.

(iii) While conducting the enquiry, respondent No.2 shall consider the documents filed along with the present Writ Petition, the earlier recommendation/proceedings dated 04.01.2019, the subsequent report dated 01.02.2020, the applicable Resettlement and Rehabilitation policy and the Government Orders on the subject, the entitlement of the petitioners to the value of their structures, and any other relevant documents that may be submitted by the petitioners.

(iv) Respondent No.2 shall pass a reasoned order, in accordance with law, within a period of two (02) months from the date of receipt of the representation, and shall communicate the decision to the petitioners.

21. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners. Respondent No.2 shall consider the matter independently and pass an appropriate order in accordance with law.

22. There shall be no order as to costs.

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

SD/- T.SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, (Revenue) Land Acquisition, Secretariat Buildings, The State of Telangana, Hyderabad.
2. The District Collector, Siricilla, Siricilla District.
3. The Executive Engineer (Irrigation), Division II, IFFC Circle, LMD Colony, Karimnagar.
4. The Special Deputy Collector-cum-Revenue Divisional Officer, Siricilla.
5. One CC to Sri B. Arjun Rao, Advocate [OPUC]
6. Two CCs to the GP for Land Acquisition, High Court for the State of Telangana, at Hyderabad[OUT]
7. Two CD Copies

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HIGH COURT

CC TODAY

DATED: 12/08/2026

ORDER

WP.No.28275 of 2019



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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