

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.22641 of 2012

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Between:

Habitation Committee, Z Kothapally
Telugu Ganga Project (SPVB Reservoir)
Rep. by its Prsident L. Pedda Subba Rayudu.

PETITIONER

AND

1. The Government of A.P., rep. by its Principal Secretary, Irrigation & Command Area, Development Department Secretariat, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the action of the respondents in not awarding civil works to the project affected families/displaced persons of Telugu Ganga (SPVB Reservoir) Project and for a direction to the respondents to entrust the civil works to the elected Habitation Committees forthwith in accordance with the recommendations of the R&R Committee for the implementation of the Rehabilitation of Master Plan.

The petitioner is a Habitation Committee of Z Kottapally Telugu Ganga Project, represented by its president, who is authorized to espouse the cause of displaced ryots in Z Kothapally Village, YSR Kadapa District. The lands of the ryots were acquired under Telugu Ganga Project (SPVB Reservoir). The Government issued G.O.Ms.No.324, dated 01.12.1988 according permission for construction of Telugu Gang Project. As per the said G.O. the State Government has to provide Rehabilitation Master Plan with reference to various items by constituting a Rehabilitation and Resettlement Committee (R&R Committee). Accordingly the Government constituted R&R Committee comprising of District Collector, Chief Engineer and eight other members representing various other departments by issuing G.O.Ms.No.30, dated 15.02.1994. The Committee has prepared a Rehabilitation Master Plan and the same was approved by the Central Government. 20 centres were established as rehabilitation centres. The Committee has recommended for election of Habitation Committees for each rehabilitation centre, so as to, entrust the execution of civil works to the said elected Habitation Committees for avoiding intermediate agencies. When the respondents were not implementing the Rehabilitation Master Plan, some Habitation

Committees filed writ petitions being W.P.No.4848 of 1998 and batch, wherein this Court directed the respondents to complete the process of rehabilitation by releasing necessary funds already sanctioned immediately. Pursuant to the said direction, the Government issued G.O.Ms.No.88 releasing the funds for undertaking civil works and other rehabilitation programmes. Thereupon, the Habitation Committees submitted representations on 18.12.2011 to entrust the civil works to the elected Habitation Committees, but in vain. Hence the present writ petition.

The learned counsel for the petitioner placed reliance on paragraph-8 of the minutes of the meeting held on 4.12.1998. Learned counsel also placed reliance on the letter dated 4.09.2013 of the R & R Joint Secretary to Government addressed to the Principal Secretary to Government stating that certain works could not be taken up due to long running litigation and directed the District Collector to decide proper course of action. The learned counsel seeks a direction to the respondent authorities to take a decision with respect to allotment of works.

The 4th respondent filed counter affidavit. In the counter, reference has been made to the order of this Court in W.P.No.16257 of 1999 which was disposed of, and on review petition being filed, this Court vide order dated 27.01.2003 held that the petitioner, who claims to be the president of Habitation Committee of T. Ramapuram Village, has no enforceable right for being allotted civil works and it has preferential right. As and when civil works are taken up, the competent authority shall consider the case of the Habitation Committee in accordance with the Government guide lines. It was also stated in the counter that the process of providing civic amenities was held up from 2006-07 onwards due to pendency of W.P.No.25484 of 2007 filed by the displaced ryots for entrustment of civil works on nomination basis,

which was disposed of by this Court as infructuous on 13.11.2008. The displaced persons also filed W.P.No.4848 of 2008 and the same was withdrawn on 30.11.2010. The sum and substance of the stand taken by the respondent authorities is that there is no enforceable right in the petitioner to seek allotment of works on nomination basis as clarified in W.P.No.16257 of 1999.

In that view of the matter, in the present writ petition this Court cannot take a different view as there is no policy as such to grant any civil works on nomination/preferential basis in favour of Habitation Committees or the displaced persons. That being the position, the petitioner can only expect, in the present set of facts, is that the respondent may be directed to consider grant of civil works to the Habitation Committees subject to the policy and the frame work, if any.

Though in the counter affidavit it has been repeatedly mentioned that various writ petitions have been filed by different Habitation Committees, the fact remains that in the said writ petitions the petitioners' claim is only with respect to preferential treatment in their favour but not to stop or stall the works. In that view of the matter it would be irrelevant and immaterial to what agency the works are to be entrusted. In ultimate analysis, if the works are executed it would be for the benefit of the displaced persons. The object of execution of works through one agency or the other may be decided by the respondent authorities.

In view of the same, the writ petition is disposed of directing the respondent authorities to consider entrustment of civil works to the Habitation Committee subject to the availability of works and after ascertaining the capacity of the Committee to undertake such works.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

30th November, 2015
Js.

CHALLA KODANDA RAM, J.