

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition Nos.18040, 18054/12 and 31406, 31411/11

Dated 03rd September, 2015

Between:

Revulapally Punaravasa Nirvasithula Samkeshama Sangam

...Petitioner

(W.P.No.18040 of 2012)

And

The Government of A.P., rep.by its Secretary, Irrigation & CAD,
(Project Wing-LA, IV-R & R) Department, Secretariat, Hyderabad and
others

...Respondents

(W.P.No.18040 of 2012)

Counsel for the petitioner: Sri P.Gangarami Reddy

(W.P.No.18040 of 2012)

Counsel for the respondents: AGP for Irrigation & CAD (TS)

(W.P.No.18040 of 2012)

The Court made the following:

COMMON ORDER:

These four writ petitions have been filed by the registered associations of displaced families under Priyadarshini Jurala Project feeling aggrieved by the action of the respondents in denying them part benefits of Resettlement and Rehabilitation (R&R) Scheme envisaged under G.O.Ms.No.68, Irrigation & CAD (Project Wing – LA IV-R&R) Department, dated 08.04.2005.

In all these cases, it is not in dispute that after construction of the Priyadarshini Jurala project, the Villages of the members of the petitioners-associations were acquired either due to they being affected on account of seepage or due to submergence. In respect of

the members of the petitioners, the respondents have provided house sites. However, they have refused to extend the full benefits under G.O.Ms.No.68, dated 08.04.2005, which are made available to project displaced families.

Though separate counter affidavits have been filed by the respondents, the counter affidavit filed by respondent No.4 is relevant. As a common stand is taken in all these cases, it will suffice if counter affidavit in W.P.No.18040 of 2012 is referred. Respondent No.4 has stated in the counter affidavit that since the petitioners do not fall within the expression 'Affected Zone' as envisaged under Clause-3.2 of Chapter III of G.O.Ms.No.68, dated 08.04.2005, they are not entitled to R&R benefits under the said GO.

On a careful perusal of G.O.Ms.No.68, dated 08.04.2005, I am of the opinion that respondent No.4 has failed to refer to Clauses-6.1, 6.2, 6.3, 6.7 and 6.8 which read as under:

“6.1 The resettlement and rehabilitation (R&R) benefits shall be extended to all the Project Affected Families and Project Displaced Families (PAF) whether belonging to below poverty line (BPL) or non-BPL except to the extent where specifically restrictions mentioned in the policy.

6.2 Free House site: Any Project Displaced Family (PDF) owning house and whose house has been acquired shall be allotted free of cost house site to a maximum extent of 150 sq.mt of land in rural areas and 75 sq.mt of land in urban areas.

6.3 Grant for House construction: Each PDF of BPL category who has been allotted free house site under section 6.2 shall get a one-time financial assistance of Rs.40,000 or as fixed by Government from time to time for house construction. Non-BPL families shall not be entitled to receive this assistance.

6.7 Grant for cattle shed: Each PAF having cattle, at the time of acquiring his house, shall get financial assistance of Rs.3000/- or as fixed by Government from time to time for construction of cattle shed in new settlement.

6.8 Grant for Transporting materials: Each PAF shall get lump sum one time financial assistance of Rs.5000/- or as fixed by Government from time to time for transportation/shifting of his building materials, belongings and cattle etc. from the affected zone to the resettlement zone.”

As could be seen from Clause-6.1, R&R benefits shall be

extended to all the project affected families and project displaced families whether belonging to above poverty line or below poverty line. Though the phrases 'project affected families' and 'project displaced families' have not been defined, the very fact that the Villages have been acquired as a result of which all the families living in the Villages have been displaced, there cannot be any doubt that the members of the petitioners-associations fall within the definition of 'project displaced families'. Therefore, the stand taken by respondent No.4 that the petitioners are not entitled to the benefits of the said GO to the extent of assignment of house sites and other benefits pertaining to construction of houses as envisaged in the above re-produced clauses is without any merit.

At the hearing, it has come out that the petitioners were granted house sites under G.O.Ms.No.11, Irrigation & CAD (PW.LA IV-R&R) Department, dated 19.01.2004.

As the petitioners have not been extended the other benefits under G.O.Ms.No.68, dated 08.04.2005, for the purpose of construction of houses, the writ petitions are allowed by directing the respondents to extend to the members of the petitioners-associations the other benefits envisaged under Clauses-6.3, 6.07 and 6.8 of G.O.Ms.No.68, dated 08.04.2005, (*supra*) after verification of their claims and on being satisfied that their Villages were submerged/acquired under the acquisition. The respondents shall complete this exercise and extend the benefits within three months from the date of receipt of a copy of this order.

As a sequel to disposal of the writ petitions, all the pending interlocutory applications shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

03rd September, 2015
VGB