

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16211 of 2009

ORDER:

1. The petitioner states that he is a resident of H.No.16-5-172/2 of Dibbapalem village, which was evacuated for the purpose of construction of Gangavaram port. The authorities have identified 104 boat owners, 450 workers working on the boat and 473 non-fishermen community people for the purpose of extending the benefit of Rehabilitation and Resettlement package. The petitioner was treated as a non-resident. As per the Rehabilitation and Resettlement package, the petitioner claims that he should be given 160 square yards of house site and when the same was refused, he submitted representations to the authorities on 15.09.2008 and in the month of June 2009. In those circumstances, the present writ petition was filed challenging the action of the respondents in not providing the benefits under Rehabilitation and Resettlement package including allotment of house site of 160 square yards to the petitioner as was done in the case of other villagers of Dibbapalem and Peda Gantyada Mandal, Visakhapatnam District.

2. This Court by order dated 07.08.2009 directed the respondents 2 and 3 to conduct an enquiry on the representation made by the petitioner on 15.09.2008.

3. The Special Deputy Collector (Land Acquisition) and Special Officer (R&R), Gangavaram Port, Visakhapatnam, respondent No.3, conducted an enquiry and submitted a report to the learned Government Pleaders for Revenue and Roads and Buildings on 18.09.2009. As per the said report, the petitioner was a permanent resident of Gangavaram R.H. Colony, Pedagantyada Mandal. The entire Dibbapalem village was acquired for construction of Gangavaram Port in the year 2005. The petitioner was identified as a boat owner of Gangavaram village vide HHID No.4913 and he has received all package benefits of boat owner of Gangavaram village. The Government has enumerated all the residential and non-residential structures of Dibbapalem in the presence of village

elders and committee members during 2005 to rehabilitate the displaced families of Dibbapalem village. Accordingly, all the residential structures with the families displaced from their dwelling houses were categorized as residential and all other structures were categorized as non-residential. As per the agreement, Rehabilitation and Resettlement package including alternate house site patta in developed layout and the same was sanctioned to project displaced families of Dibbapalem village. The owners of non-residential structures of Dibbapalem village were also paid valuation of the structures only as estimated by the Roads and Buildings authorities. The petitioner being the owner of the non-residential structure bearing No.NR-II-16 was paid the valuation of structures at Rs.91,370/- as estimated by the Roads and Buildings Department during the month of September, 2008. While receiving the said amount, he gave a statement that he purchased the said non-residential structure through unregistered document. During the local enquiry in Gangavaram village, the village committee members stated that the petitioner was a permanent resident of Gangavaram village, but not of Dibbapalem village. He never resided in Dibbapalem village, but was visiting Dibbapalem village on the request of the villagers for the purpose of boat engine repairs only. The Dibbapalem village elders also confirmed the said fact by stating that he used to keep his belongings etc., in the A.C. sheet roof structure in Dibbapalem village. The petitioner also got permanent employment in Visakhapatnam Steel Plant under displaced family quota during the year 2008. In view of the said facts, the contents of the representation filed by the petitioner dated 15.09.2008 were found to be false and accordingly it was rejected.

4. A counter-affidavit was fled to the same effect by respondent No.3.

5. Though a reply affidavit was filed by the petitioner denying the averments made in the counter-affidavit of the 3rd respondent, he could not show any proof for categorizing him under a resident category of Dibbapalem village and under what circumstances he has taken the

package under non-residential category. There is no evidence to show that he owns the house claimed by him. The petitioner has already received the package under non-resident category. In view of the elaborate enquiry conducted by the Special Deputy Collector (Land Acquisition) and Special Officer (R&R), Gangavaram Port, Visakhapatnam, no relief can be granted in the present writ petition.

6. The Writ Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

08-03-2016
Gsn