

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.26041 of 2011

ORDER:

It is the case of the petitioners that the 1st petitioner (since died) was the owner and possessor of the land to an extent of Ac.5.40 cents in Sy.No.90 of Rebbena Village and Mandal, Asifabad District. While so, in the year 1995, the revenue authorities approached her and stated that a minor irrigation tank viz., "Mucheruvu" was proposed to be built and, for the purpose of the said tank, her land was required. The 1st petitioner used to cultivate red gram in the said land. After construction of Mucheruvu Irrigation tank, her land was inundated by rain water from the year 1996. She approached the concerned authorities, but when there was no response, she approached the Mandal Legal Committee, Asifabad and submitted a representation. The representation was registered as PLC.No.2 of 2007 and a notice was issued to the Mandal Revenue Officer, Rebbena on 08.01.2007. The Mandal Revenue Officer, vide his letter dated 19.01.2007, stated that an extent of Ac.5.40 cents in Sy.No.90 stands in the name of the 1st petitioner and in the local enquiry, it was revealed that the tank was constructed by Integrated Tribal Development Agency (ITDA) Office. Though two more notices were issued by the Mandal Legal Committee, the Tahsildar did not respond. When a notice was issued to the Sub-Collector, he replied stating that the Mucheruvu Irrigation tank was constructed by Panchayat Raj Department in the year 1996. The Executive Engineer, Minor Irrigation Department, submitted a report stating that the tank was not constructed by their Department. In these

circumstances, the present writ petition is filed seeking a direction to the respondents to pay compensation to the petitioners.

After five years, the District Collector, Adilabad filed a counter affidavit stating that Mucheruvu tank of Lethanguda, H/o. Rebbena Village and Mandal of Asifabad District, was under the control of Executive Engineer, PR Division, Asifabad prior to issuance of G.O.Ms.No.216, Panchayat Raj & RD Department, dated 13.06.2005. But after the issuance of the said Government Order, the tank was under the control of Executive Engineer, I & CADD, Special MI Division, Utnoor. At present, the tank is under the control of Executive Engineer, I & CADD, IB Division, Asifabad. The said tank was existing since 1974-75. Originally the tank was constructed prior to 1969. However, after verification, a letter was issued to the Executive Engineer, PR Division, Asifabad to file a requisition and after receiving the requisition from the Panchayat Raj Department, appropriate proceedings will be issued and payment would be made by following due process of law.

In the letter enclosed to the said counter affidavit, addressed by the Executive Engineer, PR Division, Asifabad, to the District Collector, Adilabad on 30.08.2016, it is categorically stated that as per the pahani given by the Tahsildar, Rebbena, and verification made by the field staff, the land pertaining to the 1st petitioner is in submergence under Mucheruvu tank and, accordingly, he submitted a requisition to the District Collector, Adilabad for considering the issue for payment of compensation to the petitioners and, ultimately, requested the District Collector, Adilabad, to issue necessary

instructions for payment of compensation to the petitioners keeping in view the present writ petition.

After issuance of the above letter, Adilabad District was bifurcated and now the subject land and the said tank come under Asifabad District. Now there is a requisition from the Executive Engineer, PR Division, Mancherial categorically stating that the land of the 1st petitioner comes under submergence.

In view of the same, the District Collector, Asifabad, is directed to take appropriate proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pay compensation for the land of the 1st petitioner that comes under submergence of the said Mucheruvu tank within a period of six months from the date of receipt of a copy of this order. Since the 1st petitioner is stated to have died during pendency of the writ petition and the 2nd petitioner came on record, further proceedings shall be given in the name of the 2nd petitioner.

Accordingly, the Writ Petition is allowed. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition stand closed.

28th December, 2016
v v

A.RAMALINGESWARA RAO,J