

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 5443 of 2009

Order:

This Writ Petition was filed seeking a direction to the respondents 1 to 3 to cause fresh verification with regard to existence of residential structures of the petitioners at Areguda village, Tiryani Mandal, Adilabad District which are coming under acquisition for expansion of Khaireguda open cast project by Singareni Collieries Company Limited by declaring the action of the respondents in issuing the Notification under Section 4(1) of the Land Acquisition Act only in respect of 63 houses by excluding the houses of the petitioners even though their houses are coming under the acquisition as per acquisition proceedings and plans etc.

The eighty nine (89) petitioners filed the present Writ Petition stating that they belong to Scheduled Tribe community and are residents of Areguda village. It is their case that Section 4(1) Notification was issued for acquisition of 63 houses in the said village and a declaration was also made in January 2009. Though, there are more than 100 houses in the said village, the notification was issued only in respect of 63 houses. Though the petitioners issued a notice on 21.01.2008 through their counsel requesting the respondents to issue fresh notification by including their houses also and when no action was taken, the present Writ Petition was filed.

This Court, by order dated 18.03.2009, granted interim direction directing the respondents 1 to 3 to cause fresh verification with regard to existence of residential houses of the petitioners and whether they are coming under acquisition for the public purpose or not.

A counter affidavit is filed by the respondents 1 to 3 stating that a Grama Sabha was conducted on 20.06.2008 and the list of house owners was read out which revealed that there are only 63 structures were existing in Areguda village. The said list was declared before the Grama Sabha and a resolution was passed. In respect of the said 63 houses there were house numbers. Though the present Writ Petition was filed by 89 petitioners, the petitioners other than 63 petitioners erected temporary structures after declaration of the proposed acquisition in order to claim compensation illegally. They are not residents of Areguda village. The names of 63 house owners are given in the counter affidavit. The names of 26 persons who are not residents of the said village and whose names were not shown in the notification and declaration were also given in paragraph 8 of the counter affidavit.

In view of the same, 63 persons are entitled for the awarded amount and if they have any grievance with regard to improper award of the amount they can take appropriate proceedings seeking enhancement of compensation. In respect of 26 persons who are not the residents of Areguda village and in whose favour no structures existed they cannot claim any compensation. If they own and possess any land, they can protect their ownership and possession as no notification is issued in respect of those persons.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 23.11.2016
Nsr