

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

W.P. No. 27977 of 2016

DATE: 08.09.2016

Between:

Naga Jyothi
and fourty others

.. Petitioners

And

The State of Telangana
and six others

.. Respondents



ORDER:-

This writ petition is filed for the following substantive relief:

“... to issue a writ of mandamus declaring action of the respondents in highhandedly conducting survey of the lands in Sy.Nos.303 to 325 situated in Yellur village, Kollapur Mandal, Mahabubnagar District under the guise of proposed redesigning of Palamoor Ranga Reddy Lift Irrigation Scheme without following the procedure as contemplated under Section 12 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for brevity “the Act) through the 7th respondent, as illegal and arbitrary and consequently direct the respondents not to interfere with the possession of the petitioners over their lands including conduct of survey of the lands without following the due process of law.”

In the counter affidavit filed by the 7th respondent- Navayuga Engineering Company Limited, it is averred that for the purpose of viability survey, this respondent along with revenue officials visited the lands of petitioner Nos.2, 14 and 28 only. The surge pool is proposed to be located in the Government land in Sy.No.399 wherein boreholes are being drilled to assess the underground strata for locating underground pump house complex. The allegations of highhandedly entering into the petitioners' lands are not true and correct. There is no attempt to conduct survey of the petitioners' lands except visiting the lands of the three petitioners for viability survey. Since the alternative proposal

is not finalized so far, the question of forceful acquisition does not arise.

The 4th respondent-Revenue Divisional Officer, in his counter affidavit, has *inter alia* stated that the project is taken up for the benefit of the public at large. Therefore, the loss of individual cannot put the project without being re-designed in view of the delay that is likely to cause for want of clearances. Keeping in view the difficulty that is likely to be suffered by the respective land losers, the State will strictly follow the guidelines in the statute for compensating them adequately. The initial survey that was undertaken was only to study the viability, and upon the report submitted, it is left to the State to proceed with the realignment of the scheme based on the Techno-Economical Feasibility. It is further averred that the present Lift Irrigation Scheme is taken up after a detailed study and considering various options available and after obtaining necessary government clearances.

The learned Government Pleader for Revenue (L.A) appearing for respondent Nos.2 to 5 has submitted that the petitioners shall not be dispossessed from the lands in question without following the due process of law.

Heard the learned counsel for both the parties and perused the material placed on record.

Keeping in view the averments made in the counter affidavits and the submission of the learned Government Pleader, this Court is of the considered opinion that no cause of action has arisen in this matter which is required to be adjudicated by this Court.

Hence, I find no merits in this writ petition, and accordingly it is dismissed. It is needless to mention that if any cause of action arises in future, liberty is granted to the petitioners to approach the appropriate forum. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

08.09.2016

bcj

SURESH KUMAR KAIT, J

