HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.32286 of 2016

ORDER:

Vide the present petition, the petitioner seeks Mandamus declaring the action of the 4th respondent in issuing notice to the 1st petitioner dated 30.08.2016 in spite of conclusion arrayed by the Three Man Committee through report dated 18.03.2013 in respect of payment of compensation to the petitioners with apportionment and entitlement to all the petitioners without passing award, as illegal and arbitrary and consequently to direct the respondents to pay the compensation as per the norms of Three Man Committee dated 18.3.2013.

Heard learned counsel for the petitioners and the learned Government Pleader for Land Acquisition (TS).

Learned Government Pleader, on written instructions, received from K. Venkateswarlu, Special Deputy Collector, Karimnagar, submitted that after re-verification of the estimates from the Section Officers, there are so many complaints received and also several adverse news items appeared in the news papers alleging that valuation of estimates of structures prepared of so many houses was very high side than original valuation of the houses. The same allegations observed in various villages coming under submergence of Mid Manair Reservoir (MMR) by the Special Collector, SRSP, Hyderabad. Accordingly, the said Collector submitted a detailed report regarding adverse news items appeared in daily news papers and complaints made by the villagers relating to various submerged villages coming under the said Reservoir. Accordingly, the Government has issued G.O.Rt.No.917, I & CAD (PW(LA-IV) R&R Department, and vide order dated 26.11.2009 the Three Men Committee was constituted to verify the entire houses valuations of various villages which are coming under submergence of the said Reservoir. The task given to the said committee was that if any irregularities committed must be rectified before passing of the award.

Learned G.P. further submits that the Commissioner of Land Revenue vide Lr.No.CCLA's Ref.No.V.S.I(2)/1173/2012, dated 07.02.2015, has communicated the observation of Director of Vigilance & Enforcement to the Government of Telangana, whereby submitted by the Vigilance Department vide Vigilance report No.47(1238/A&E/E1/2010), dated 25.12.2014, has proposed for disciplinary action against the 24 Engineers and 2 Deputy Collectors, who are involved in irregularities in enhancing the compensation of the structures in Kodumunja & Shabashpalli villages being submerged in MMR. Accordingly, they have pin pointed the following irregularities in their report as under:

> 1. *The norms stipulated in G.O.Ms.No.291 were not at all followed in respect of depreciation for the age of the structure and 10% deduction for the inferior quality. Most of the structures consist of country tiled roof and Mangalore tiled roof with mud walls. Totals in the valuation estimates were changed without any initial of the officers and the L.S. amounts, viz., 5% towards water supply, 5% towards Electrification were added to the total amount and 10% is added towards un-measurable items as per the guidelines communicated by the EE R&B Divn., Karimnagar. Besides this the quantity of Teak wood was increased*

abnormally irrespective size of the house without proper measurements.

2. *Verification of estimates of the Structures that are scrutinized by the (3) Three Men Committee revealed the following observations:*

a) *The committee did not follow the guidelines stipulated in G.O.Ms.No.291, Irrigation (PW) Department dated : 05-08-1982, especially in terms*

b) *Depreciation with respect to age of the structure and deduction towards inferior specification. Though the original estimating department prepared the estimates duly considering the depreciation, the committee totally ignored it and recommended the revised value of the structures without any depreciation.*

c) *The committee recommended 10% extra towards Sanitation, Water supply, Electrification and other miscellaneous items without any guidelines from the Government*

d) *The Committee randomly decreased the teak wood quantity such as replacing the original quantity of teak wood in the estimate by 70% teak wood and 30% Non-teak wood and modifying the Nos 6x1 with 2x1 etc. It indicates that the committee did not inspect the structures physically before re-verification.*

e) *The forest official & Member of the committee did not certify the measurements and the variety of wood, tough the value of structures is boosted by increasing the quantity of teakwood..*

In view of the aforesaid report, learned G.P. submits that the Vigilance Department has made recommendations as under:

1. *Instruct the Special Collector/SDCs to deduct the depreciation amount in accordance with age of the structures by conducting Panchanama along with the estimating officer to determine its age and to deduct 10% towards inferior quality and contractor's margin from the estimate value duly following the guidelines stipulated in G.O.Ms.No.291, dated 05-08-1982.*

2. *Instruct the estimating officers to deduct the depreciation amount in accordance with age of the structure by conducting Panchanama along with the*

> *LAO to determine its age and to deduct 10% towards inferior quality and contractor's margin from the estimate value duly following the guidelines stipulated in G.O.Ms.No.291, I&CAD (PW) Department, dated 05-08-1982 scrupulously.*
>
> 3. *Instruct the Forest Officers of the Three Men Committee to certify the quantity and type (Teak or Non-Teak) of wood invariably, when the value of Teak wood is equal to or more than 10% of total value of the structures*

In view of the above, the State Government has issued G.O.Ms.No.14, Transport Roads & Building Department, dated 25.3.2015 instead of G.O.Ms.No.291, I&CAD dated 5.8.1982 for valuation of structures/Houses for depreciation. While enclosing the copies of the observation of Director of Vigilance & Enforcement, Government of Telangana State, Hyderabad and instructions of the Chief Commissioner of Land Administration, Telangana State, and the guidelines issued by the Government vide G.O.Ms.No.14, Transport, Road & Buildings (R-II) Department of Telanagana, constituted the Three (3) Men Committee Executive R&B, Executive Engineer requisition department and Divisional Forest Officer to verify and scrutinize the estimates in accordance with the observations/instructions and after completion of process, the Committee shall submit their report to the Land Acquisition Officer/Special Deputy Collector, concerned.

Learned Government Pleader further submits that the Executive Engineer R&B R-II) Department of Telanagana, has specially verified low side and high side valuation of houses in the village bearing Nos. 4-73, 4-74, 4-75 including other houses and furnished the revised estimates vide their Letter

No.A5/70/MMR/EEr/2015-16 dated 25.8.2016 duly deducting the depreciation of the houses. After receipt of the estimation and valuation from the Executive Engineer R&B, Karimnagar and individual notices under Section 21 (1) and 22(1) issued on 30.8.2016 to Sri Raghulapati Papa Rao i.e., 1st petitioner in respect of house No.4-73, 4-74, 4-75 for conducting award enquiry on 17.9.2016. In response to the said notices, the 1st petitioner attended the office and submitted reply that to pay compensation in respect of acquired properties bearing house Nos.4-73, 4.73/1, 4.73/2, 4.73/3, 4.74, 4.74/1 and 4.75 as per their family settlement and requested to make payment within two weeks as per Three Men Committee report dated 30.8.2016 without any depreciation.

Accordingly, the learned Government Pleader submits that in the petitioners affidavit at para-7 to pay compensation as per norms of Three Men committee dated 18.3.2013 to the petitioners with apportionment and entitlement immediately by passing award to that effect is not correct as the Government of Telangana has issued G.O.Ms.No.14, Transport, Roads & Buildings Department, dated 25.3.2015 instead of G.O.Rt.No.917, I & CAD (PWLA-IV) R&R Department, dated 26.11.2009 (Old Three Men Committee) to pay compensation to the acquired houses after deducting depreciation according to their age. But the earlier Three Men Committee report dated 18.03.2013 is not inforce and at the time of social audit conducted by the old Three Men Committee not deducted the depreciation of the houses in their report dated 18.03.2013.

As stated by the learned counsel for the petitioners that the majority of the farmers received compensation as per the norms of Three Men committee dated 18.03.2013 then as to why the petitioners are being discriminated by not paying the benefits as per the norms of the said Committee.

Learned Government Pleader has strongly opposed that the compensation was awarded under Three Men Committee dated 25.8.2016 but not granted under first Three Men Committee dated 18.3.2013.

In view of the above averments made in the instant petition and after hearing the learned counsel for the parties, I hereby direct the respondents to verify whether the compensation has been disbursed as per the norms of the Three Men Committee dated 18.3.2013, then the respondents are directed to pay the compensation in terms of said committee. This whole exercise shall be completed within four weeks from the receipt of the order.

I hereby make it clear that if the respondents come to the conclusion that the compensation amount paid as per Three Men Committee dated 25.8.2016, the said decision shall be communicated to the petitioners in writing within one week from the date of decision.

With the above direction, the Writ Petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date :23-09-2016

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