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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No. 24357 of 2016

ORDER:

The main grievance set out in the Writ Petition is that the respondent authorities are interfering with the possession and enjoyment of the petitioners in respect of their lands situated in various survey numbers in the territorial limits of Buddaram Village, Hanwada Mandal, Mahabubnagar District. But however, from the averments contained in the affidavit filed in support of the Writ Petition, the cause of action for filing this Writ Petition appears to be the survey and demarcation exercise undertaken by the respondent authorities in the subject land, without intimating the petitioners of the said fact.

According to the petitioners, they are the absolute owners and possessors of the lands situated in the abovesaid locality. They complain that in the month of December 2015, the 3rd respondent Revenue Divisional Officer, Mahabubnagar and the 4th respondent Tahsildar, Hanwada Mandal started survey and demarcation of the subject land for the purpose of constructing *Hemasamudram* Reservoir as part of *Palamuru-Rangareddy* Lift Irrigation Scheme, pursuant to the policy decision taken by the government in its G.O.Ms.No. 123, Revenue (JA & LA) Department, dated 30.07.2015, without issuing them any notice of their intention to do so.

Heard learned counsel for the petitioners as well as Assistant Government Pleader for Revenue (Telangana) on behalf of Respondents 1 to 4.

Section 12 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for preliminary survey of land and power of officers to carry on survey. It authorizes survey and demarcation even without issuance of notification, as is required under Section 11, but however, the Proviso attached thereto specifies that '*no person shall enter into any property without previously giving such occupier at least seven days notice in writing of his intention to do so*'.

In view of the abovesaid mandate, it is clarified that the respondents are at liberty to carry on the survey and demarcation exercise of the lands belonging to the petitioners, after issuing them the prior notice, strictly adhering to the provisions of the 2013 Act.

Further, the Division Bench of this Court in Writ Petition No. 20740 of 2016, wherein the *vires* of G.O.Ms.No. 123 dated 30.07.2015 along with the other Government Orders, has been questioned, through its order dated 30.06.2016, observed that the said question need not be examined since the government has made it clear that they would follow the procedure contemplated under the 2013 Act for acquiring the lands from owners, who are not willing to sell their lands for the said project. In other words, it is stated that they would purchase lands from the owners, only if they willingly and voluntarily sell their lands.

In this view of the matter, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

02nd August 2016

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