

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19084 OF 2016

ORDER:

It is the case of the petitioners that they are owners, possessors and pattedars of the land to an extent of Ac.0.46 guntas in Sy.Nos.183, 184, 169, Ac.1.39 guntas in Sy.Nos.6/1/2, 8/1/2/3/D, 10, Ac.1.39 guntas in Sy.No.6/B/1/2, 8/1/2/3/D, 10, Ac.1.20 guntas in Sy.Nos.43 & 14, Acs.3.12 guntas, Acs.2.00 guntas, Ac.1.26 guntas in Sy.No.15, and Ac.1.35 ½ guntas in Sy.Nos.21/1 and 21/2, situated at Anthargaon Shivar, Ramgundam Mandal, Karimnagar District.

Though the petitioners raised commercial crops in the above said lands up to 2011, the respondents, without initiating any land acquisition proceedings, compensation and without conducting any enquiry, dispossessed the petitioners from the said lands on 01.01.2012 for the purpose of laying 3rd B.G.Railway line between Kazipet to Ballarsha. Though the names of the petitioners reflected in the revenue records, the respondents have not paid any compensation to them. The 8th petitioner made representation on 14.05.2012 for payment of compensation for the land acquired by the respondents for their properties. The 4th respondent issued a letter dated 22.05.2012 to the 8th petitioner by enclosing the map and extent. The 3rd and 4th respondents also issued letters dated 29.05.2012 and 21.06.2012 to the concerned departments stating that the Executive Engineer (Construction-II), South Central Railway, Ramagundam has submitted proposal for acquisition of land to an extent of 2.67 hectares, situated at Antargaon and Rayadandi villages of Ramagundam Mandal by initiating land acquisition proceedings. Though the 3rd respondent called the petitioners on 17.05.2016, no action is being taken. The 8th petitioner made representation on 17.05.2016, but no orders passed on the same. Aggrieved by the action of the respondents in not paying compensation, present writ petition is filed.

Heard learned counsel for the petitioners and learned Government Pleader for Land Acquisition appearing for the respondents 1 to 3.

Learned Government Pleader for Land Acquisition produced written instructions stating only in respect of the land belonging to the some of the petitioners, acquisition was sought and if the petitioners gives consent, compensation will be paid as per G.O.Ms.No.123. She further submits that earlier

land acquisition proceedings were sought to be initiated, but the same have been dispensed as the old Land Acquisition Act has been dispensed. She submits that if the petitioners does not give consent for handing over the land under G.O.Ms.No.123, the land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 will be initiated.

Recording the submission of the learned Government Pleader for Land Acquisition, this writ petition is disposed of directing the respondents to follow the due process of law, in case, they intend to evict the petitioners from their lands.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

20-06-2016
kvs

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