

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

W.P.NO.32212 OF 2016

ORDER

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition and the learned Standing Counsel for the 5th respondent – Singareni Collieries Company Limited.

The case of the petitioners is that the 1st petitioner is the absolute owner and possessor of the subject property bearing house No.12-2-39 situated at Mallepally Village of Manugur Mandal, Khammam District covered with R.C.C. structures and open land admeasuring 338.80 sq. yards. The 2nd petitioner is his daughter and both of them are in possession and enjoyment of the said property. For the purpose of open cast coal mining, the subject land of the writ petitioners and others was proposed to be acquired in the year 2009. The authorities have prepared a list of persons affected in the said proposed acquisition and in the said list, the name of the petitioner No.1 was shown at SI.No.154 and his brother's name Degala Ramesh, was shown at SI.No.152. The grievance of the petitioners is that though they made representation on 10.12.2012 to the grievance cell and got issued legal notice for payment of compensation, no action has been taken. Aggrieved by the inaction of the respondents in paying compensation and in taking steps to demolish the house of the petitioners, the present writ petition has been filed.

The learned counsel for the petitioners while reiterating the above averments, submitted that in the list of persons affected by the project, the name of the petitioner was shown at SI.No.154 and the name of the brother of the

petitioner was shown at Sl.No.152. He further submitted that behind the back of the petitioner, the authorities of the 5th respondent enquired and submitted report stating that petitioner and his brother are living under one roof and submitted the value of the structures in respect of I.D.No.152. The learned counsel for the petitioners drew the attention of this court to Lr.EE/R & B/BCM/TS/ATO/R & R PACKAGE – Manuguru/2012-2013 dated nil.11.2012 addressed by the Executive Engineer (R and B) Division, Bhadrachalam to the 4th respondent – Special Deputy Collector (LA), ISPP, Unit-I, Paloncha and R and R Officer, Manuguru, requiring him to seek clarification from the 5th respondent for bifurcation of project I.Ds. into 152 and 154. He submitted that though the petitioners have made representation to the grievance cell on 10.12.2012, there was no response and on 11.8.2016, the 3rd respondent – Sub Collector informed the petitioner No.1 that his name is not appearing in the award. He further submitted that the petitioner got issued legal notice dated 18.8.2016 to all the respondents bringing to their notice the above facts. Despite the same, there is no response and the respondent authorities are taking steps for demolishing the house of the petitioners without paying the compensation.

The present writ petition is filed for a direction to the respondent authorities not to demolish the house of the petitioner till compensation is paid to the petitioners by following the due process of law.

While denying the above averments, the learned counsel appearing for the respondents, on instructions, submitted that in respect of house property of the writ petitioner, compensation of an amount of Rs.6,91,938/- was paid to one D.Ramesh, the brother of the petitioner.

Keeping in view the above averments and the submissions of the learned counsel, I hereby direct the 4th respondent – Special Deputy Collector (LA) to consider the representation of the petitioners dated 10.12.2012 and the legal notice dated 18.8.2016, taking into consideration Lr.EE/R & B/BCM/TS/ATO/R & R package – Manuguru/2012-2013 dated nil.11.2012 addressed by the Executive Engineer (R and B) Division, Bhadrachalam to the 4th respondent – Special Deputy Collector (LA), and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The decision taken shall be communicated to the petitioner within one week thereafter.

Till the decision is communicated to the petitioner, the house of the petitioner shall not be demolished.

In view of the above direction, the writ petition is disposed of.

No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

AVS

23—09—2016