

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.9753 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ or order or direction, one particularly in the nature of writ of mandamus declaring the action of the respondents in resorting to acquisition of vast extents of land vide Notification bearing No.G1/7512/2015, dated 19.02.2016 and No.G1/7512/ 2015, dated 21.03.2016 issued by the 7th respondent wherein and whereunder the lands of the petitioners and others situated in Shivannagudem, Hamlet of Indurthi villages, Narsireddy Gudem, Venkepally, Venkepally Thanda, Ramreddipally, Cherlagudem, H/o Indurthi and Sarampeta village, of Marrigudem Mandal, Nalgonda District are sought to be acquired by invoking the G.O. Ms.No.123, Revenue (JA & LA) Department, dated 30.7.2015 & G.O. Ms.No.190, Revenue (JA & LA) Department, dated 30.7.2015 for the alleged purpose of Construction of Shivannagudem Balancing Reservoir, Marrigudem Mandal, which is part of Dindi Lift Irrigation Project instead of acquisition under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013) and without extending the benefits under Act 30 of 2013, resulting in drastic loss of livelihood and other losses both monetary and sociological, as being illegal, arbitrary and violative of

Fundamental Rights guaranteed under Article 14, 19, 21 and 300-A of the Constitution of India and moreover against the provisions of Act 30 of 2013 and consequently to set aside the Notifications bearing No.G1/7512/2015, dated 19.02.2016 and No.G1/7512/ 2015, dated 21.03.2016 issued by the 7th respondent in the interest of justice and fair play and to pass such other order or orders as this Hon'ble High Court deems fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioners and learned Special Government Pleader of the office of the Advocate General (Telangana) representing the respondents 1 to 10, before notice to the 11th respondent and perused the writ petition prayer and the supporting affidavit and the material in support of it and also the counter affidavit filed on behalf of the respondents by the Revenue Divisional Officer, Devarakonda and additional affidavit filed on behalf of the petitioner and the judgment of the Division Bench in W.P.No.20740 of 2016, dated 30.06.2016 in ***Serupally Upender Reddy Vs. State of Telangana*** and pursuant to the above, this writ petition is disposed of with the following observations:

“It is the submission by the learned Special Government Pleader that State of Telangana amended the Land Acquisition Act 30 of 2013 with state amendment and received the assent of the President and it is to be verified the Act given with retrospective effect is notified to come into force or

not, however, it is by incorporating practically the G.Os. covered by the Division Bench judgment supra. In the above Division Bench matter Virus of the G.O.s were challenged, however, it was held left open by no decision given, while recording the submission of the respondents that they are not going to take any forceful possession and follow due process of the Act and apply the G.O.s if the land owners come voluntarily. Questioning the virus of the G.Os., still batch of writ petitions are stated pending before Division Bench of this Court.

At this stage, it is the submission of the petitioners counsel that by recording the submissions and with direction of without interfering with their possession otherwise let the respondents initiate the proceedings according to law.

By recording the same, the writ petition is disposed of restraining the respondents from interfering with the possession of the petitioners except through due process of law of initiating action under the Act 30 of 2013 amended by the state amendment with assent of the President given into force, if any.”

3. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

09.06.2017
SS