

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.23221 OF 2017

ORDER:

This writ petition is filed for payment of compensation for the houses and structures, which were not included in the Notification under Section 4(1) and Declaration under Section 6 of the Land Acquisition Act, 1894 (the Act, for brevity), issued for the purpose of acquisition of land for Mid Manair Project.

The petitioners state that a Notification under Section 4(1) of the Act issued on 18.02.2009 and declaration was published on 01.08.2009 for submergence of the lands under Mid Manair Reservoir. The houses and structures were valued by the fourth respondent on 26.06.2010 and he addressed a letter to the third respondent with regard to the structures that are going to be submerged. When no amount was paid, they submitted representation to the third respondent on 08.05.2017 and there was no action from the third respondent, the present writ petition was filed.

A counter affidavit is filed by the third respondent stating that an extent of Acs.15,998.25 guntas of land was requisitioned by the Irrigation Department for the purpose of construction of Reservoir in between Kandikatkur and Manwada villages notifying twelve villages coming fully and six villages coming partly under submergence in Mid Manair Reservoir. Out of the total extent indicated above, an extent of Acs.15,157.26 guntas of land was already acquired, Awards were passed and compensation was paid. Out of 7,150 structures, in respect of 6,680 structures, Awards were passed and compensation was paid. The petitioners reside in Shabashpalli village, which is fully submerged under the Reservoir. The Draft Notification under Section

4(1) of the Act was issued in three spells for acquiring patta lands, structures in patta lands and Abadi lands. The agricultural lands of the village were acquired through consent Award to an extent of Acs.363.12 guntas and compensation was paid to the land losers in the year 2007-2008, the possession of the lands was handed over to the Irrigation Department on 01.08.2009. The Executive Engineer, Karimnagar and his technical staff prepared detailed estimates for structures/houses of Shabashpalli village and furnished the same to the Special Deputy Collector, Karimnagar. When objections were invited to the same, some objections were received for valuations made and some of the villagers also filed complaints stating that for many houses, values were boosted and demanded for re-estimation. On the estimations made by the Executive Engineer, several complaints were received and several news items were published in newspapers. Then, the Government took a decision to take up Social Audit of the valuation of the estimates of the structures and accordingly, G.O.Rt.No.917, dated 26.11.2009 was issued constituting a three-Men Committee for verification of the value of the structures under MMR submerged villages. It is noticed that there was an increase of 305.25% in valuation of the structures. The Vigilance and Enforcement Department submitted its report to the Government and proposed for disciplinary action against twenty four (24) Engineers and two Deputy Collectors for irregularities in enhancing the compensation in the structures in Kodumunja and Shabashpalli villages. In view of the observations made by the Vigilance and Enforcement Department, the District Collector instructed the Special Deputy Collector, Land Acquisition, Unit-VII to obtain fresh estimations from the Executive Engineer (R&B), Karimnagar, by following the

guidelines issued vide G.O.Ms.No.14, dated 25.03.2015. The process was delayed due to the obstruction of the villagers. However, a report was submitted for 90 structures/houses including the houses of the petitioners on 24.04.2017. In respect of the petitioners, the following table indicates the value fixed for their houses.

H.No.	Name of the House Owner	Total Structure Value			Amount of the Depreciation	Net Amount of the House
		Civil Work Value	Wood Value	Total		
6	8	11	12	13	15	17
1-10	Sanga Kuntaiah, S/o Bhoomaiah	266515	143473	409988	28699	381289
1-72	Lingampalli Sattaiah S/o Mallaiah	Collapsed as reported by the Engineering Department				
1-93	Lingampalli Rajavva W/o Mallaiah	181141	198048	379189	37919	341270

Though notices were issued for Award Enquiry on 24.05.2017 and the same were placed on Notice Board on 30.05.2017, the petitioners refused to take the notices. However, the Award Enquiry was conducted on 02.06.2017 and the Award was passed on 24.06.2017. Notices were issued to the petitioners to attend the Office of the Special Deputy Collector to put their signatures on Acquittance Register in order to enable them to pay compensation amount to their bank accounts, but the petitioners failed to submit their bank account details. At the time of payment of compensation, this writ petition was filed. It is also stated that the Irrigation Authorities are proposing to store 9 to 10 TMCs of water by July, 2017 and the entire village would be submerged by the end of October, 2017. The possession of the lands was taken over and handed over to the requisitioning Department under Panchanama dated 25.04.2011 and the claim of the petitioners that they are in possession of the property is not

correct. The Awards were passed under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

After the above averments made in the counter affidavit, the learned counsel for the petitioners submits that no copies of the Awards were furnished to the petitioners, whereas the learned Government Pleader submits that even though notices were issued to the petitioners, the petitioners refused to cooperate.

In the circumstances, this writ petition is disposed of directing the third respondent to send the copies of the Awards to the petitioners within one week from the date of receipt of a copy of this order and after receipt of the copies of the Awards, it is open to the petitioners to furnish necessary particulars of their bank accounts to the third respondent in order to enable the third respondent to deposit the amount of compensation. It is also left to the petitioners to take appropriate proceedings in accordance with law, if they are aggrieved over fixation of the amount of compensation by the third respondent.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

04.10.2017

Note: Issue order copy by 11.10.2017.

(By order)

pln