

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 9285 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 direction preferably writ of Mandamus, declaring the action of the 4th respondent in not considering the case of the petitioners herein for payment of R& R package in spite of the recommendation made by the 5th respondent by virtue of proceedings RC.No. B/254/2015, dated 8.4.2015 and also the proceedings of the Joint Collector in Rc.No. I/Parishkruti/2015, dated 28.5.2015 as illegal, arbitrary, unjust and violation of Article 300-A of Constitution of India and consequently direct the 4th respondent to implement the recommendations made by the 5th respondent in Rc.No. B/254/2015, dated 8.4.2015 and also the directions in Rc.No. 1/Parishkruti/2015, dated 28.5.2015 issued by the Joint Collector, and pass such other order or orders as this Hon'ble Court deemed fit and proper in the circumstances.”

2. Heard learned counsel appearing for petitioners, Sri J. Srinivasa Rao, learned Standing Counsel appearing for respondents 1 & 2 and learned Government Pleader for Revenue appearing for respondents 3 to 5.

3. According to the petitioners, they are the mother and son, owning house bearing No. 12-1-15/2, situated at Mallepalli, Manuguru Village, (now Bhadradri), Kothagudem. It is stated that respondents 1 & 2 herein,

acquired the land for the purpose of Manuguru Open Cast and that on the representation made by the petitioners on 20.09.2012 to the 4th respondent/Deputy Collector, the 5th respondent/Tahsildar submitted a report on 8.4.2015 vide proceedings in Rc.No.B/254/2015. Subsequently, the Joint Collector also vide proceedings dated 28.5.2015 addressed the 4th respondent calling for a report basing on the recommendations made by the 5th respondent. The reason for filing the present Writ Petition is despite the above recommendation, no action has been taken by the respondents for payment of R&R package to the petitioners.

4. A perusal of the proceedings in Rc.No. B/254/2015 dated 8.4.2015 of the Tahsidlar, Manuguru addressed to the District Collector, Khammam, clearly show that the local enquiry was conducted and secured information that Smt. Gandrathi Venkatalakshmi W/o Late Sanjeeva, lost their land & House under Manuguru OC. It is also clear from the said proceedings that the Tahsildar recommended compensation to Smt. Gandrathi Venkata Lakshmi W/o Sanjeeva (Late), first petitioner herein, under R & R Package. It is further evident from the letter in Rc.No. I/Parishkruti/2015 dated 28.5.2015, the Joint Collector, Khammam, based on the report of the Tahsildar, sent the same to the Sub-Collector, Paloncha, for enquiry and for submission of reports.

5. Having heard the learned counsel appearing for petitioners, Sri J. Srinivas Rao, learned Standing counsel, and the learned Government Pleader for Revenue, this Court is of the considered opinion that ends of justice would be served, if a direction is given to respondents to take action, pursuant to the proceedings in Rc.No. B/254/2015 dated 8.4.2015, of the 5th respondent/Tahsildar, in accordance with law by fixing some time frame.

6. For the aforesaid reasons, this Writ Petition is disposed of directing the respondents herein, to take appropriate action for payment of compensation pursuant to the proceedings of the 5th respondent/Tahsildar in Rc.No. B/254/2015 dated 8.4.2015, within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending consideration, if any, in this case shall stand closed. No order as to costs.

JUSTICE A.V. SESA SAI

DATE: 20.03.2017
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