

**HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**WRIT PETITION No.10649 OF 2007**

**Date 05.12.2017**

Between:

Putta Venkatarao and others.

... Petitioners

AND

Govt. of A.P. rep. by its Chief Engineer, Indira Sagar  
Project, Venkatanagaram Pumping Scheme Unit No.II,  
Dowleswaram, Rajahmundry Rural, E.G.District  
and others.

.....Respondents



**HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

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**ORDER:**

The Writ Petition is filed to declare Section 4(1) notification dated 08.05.2007 regarding acquisition of the petitioners lands, and to exercise power, under Section 4(2) of the Land Acquisition Act, 1894 (the Act) deviating from original proposal of alignment of pipelines, as illegal and arbitrary; and to dispense with emergency acquisition under Section 17(4) of the Act.

Brief facts, to the extent relevant, are that petitioners are owners of properties situated in Palacherla Grampanchayat in R.S.Nos.459/1, 459/2, 461/1, 459, 461, 462, 461/1, 462 and 463/2. As respondents proposed to lay pipe line, of 6.5 ft. circumference requiring 13.50 mts. of width of land for two pipe lines, without notice or without following the procedure under the Act, W.P.No.15690 of 206 was filed and, this Court directed the respondents to dispose of representations of the petitioners, and pass orders after putting them on notice and affording hearing to them. Respondent No.1 issued notice dated 15.08.2006 requiring to attend on 19.08.2006; as meeting could not be held, notice was issued asking to attend on 14.09.2006; meeting was held on 14.09.2006 proposing alternative alignment of pipelines; and, by letter dated 15.11.2006, respondent No.2 noted that alignment of pipeline was scrutinized by the technical

committee, and the said alignment was technically approved by Chief Engineer, who determined survey analysis that is required for water pressure which passes through pipeline. In compliance with the order of this Court in W.P.No.15690 of 2006, respondent No.2 noted that the Chief Engineer held personal hearing with petitioners on 14.09.2006; and Chief Engineer, Central Designs, Organization, Hyderabad approved the alignment route and also the surge analysis required for water pressure going to the pipes.

Counter affidavit has been filed by respondent No.2 stating that respondents carefully heard the petitioners on 19.08.2006 and 14.09.2006 in the office of respondent No.1, and on 23.08.2006 in the field; and respondent No.1 communicated to petitioners through respondent No.2 letter dated 17.11.2006 and 09.02.2007 the decision to uphold the approved alignment by the Chief Engineer in view of technical feasibility and study by experts committee and satisfactory surge analysis.

Petitioners, however, did not make the Land Acquisition Officer as a party respondent to the writ petition. Hence, passing of award and payment of compensation are not within the knowledge of the respondents in the writ petition.

Today, when the matter came up for hearing, learned Government Pleader for Irrigation passed on latest instructions of the Executive Officer, Dowlaiswaram, E.G.District, stating that, regarding alignment of pipeline,

earth work excavation of the pressure of Venkatanagaram Pumping Scheme has already been completed, and land delivery certificate from the Revenue Department consisting of petitioners' lands has been enclosed.

As the petitioners were heard, and as alternative proposals for alignment of pipelines, submitted by the petitioners, were also considered and rejected by the respondents, and the pipelines have since been laid, the Writ Petition is closed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

Dt:05.12.2017  
usd



**KONGARA VIJAYA LAKSHMI, J**