

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42896 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue a Writ order or direction, especially in the nature of Writ of Mandamus to declare Notice bearing No.GE(E)/PD2/RJNR-Sewers/2016-17/377 dated 25-02-2017 & Notice No. HMWSSB/G.M(E)/P.D.II/RJNR/2017-18/206, dated 27-10-2017 as illegal, arbitrary and contrary to the Land Acquisition Act, 2013 and violative of Article 14 & 21 of the Constitution of India and consequently direct the Respondents 1 & 2 to pay compensation to me for acquiring agricultural land admeasuring 0.04 Guntas comprised in Sy.No.26/P situated at Attapur Village, Rajendranagar Mandal, Ranga Reddy District and pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioner and of the learned Standing Counsel representing the respondents 2 & 3. I have perused the material record.

The only grievance of the writ petitioner is that her land has been taken possession long back for sewerage project and providing sewerage network and that neither acquisition proceedings were initiated nor was compensation paid till now.

At the hearing, learned counsel for the petitioner submitted that the petitioner is not objecting for proceeding with the project, which is intended for public good, but the procedure adopted by the respondents 2 to 4 in taking forceful possession of the petitioner's land without her consent is illegal and arbitrary and that the respondents 2 to 4 cannot proceed with the work unless the subject land is acquired and compensation is paid by following the procedure established by law.

Learned standing counsel, on written instructions, would submit as follows: -

The General Manager (Engineering), Project Division-II, Red Hills, Hyderabad, has sent a letter, dated 15.02.2017, to the Collector, Ranga Reddy

District, *inter alia*, stating as follows: - 'Comprehensive water supply distribution network and implementation of sewerage network in priority zones of Rajendranagar Circle of GHMC under JNNURM is in progress and as a part of the project comprehensive sewerage system is to be provided for Zone-I of Rajendranagar which is entrusted to M/s.MEIL-AIPPL-BRC(JV). The Project comprises of two numbers of STPs i.e, 23 MLD STP at Attapur and 5 MLD STP at MirAlam and sewerage network in respective catchments. Some of the gaps are identified in the sewerage system under above project, which are unable to taken up due to land problems. Because of the gaps in sewers, the residents are facing sewer overflow problems. Therefore, certain sewers are proposed through open lands due to natural drainage pattern of the terrain and proposals for acquisition of lands in the required areas as per the Rules are necessary to complete the sewer pipe line work as per the alignment'. Pursuant thereto, a committee has been appointed to do the field work, that is, to visit the field and conduct a preliminary enquiry about the correctness of the particulars furnished by the land owners. After joint inspection of the lands by the Committee, the enquiry report shall be submitted and the estimated cost of the acquired land and the charges which may be incurred towards administrative costs will be determined. Only after completion of such exercise and completion of acquisition, compensation, if any payable, would be paid to the petitioner. The said process has already been initiated. Hence, no interim order or final order stopping the major public work may be granted.

However, learned counsel for the petitioner and the learned standing counsel are in agreement that the writ petition can be disposed of with an appropriate order which sub-serves the interests of both the parties, particularly the interests of the petitioner.

Having regard to the facts and submissions, the Writ Petition is disposed of directing the 2nd respondent to deposit, within two (02) weeks from the date of receipt of a copy of this order, Rs.20,00,000/- [Rupees Twenty Lakhs only], before the Land Acquisition Officer, that is, the Revenue Divisional Officer, Rajendranagar Division, towards part of the compensation that may be payable to the petitioner in respect of the subject land; the said deposit is subject to finalization of the acquisition proceedings and final determination of the compensation to be paid to the petitioner as per the procedure established by law. The amount that may be deposited as directed supra shall be invested by the LAO/RDO afore-stated in a Fixed Deposit, in a nationalized bank, clearly earmarking the same for the benefit of the petitioner herein. The said Fixed Deposit shall not be utilized for any other purpose except for payment to the petitioner, eventually, if it is determined that the compensation in respect of the subject land is payable to the petitioner in accordance with law. On failure of the 2nd respondent to deposit the amount as directed supra, the petitioner is at liberty to approach this Court for appropriate relief.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

18.12.2017
Vjl