

**HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**W.P.Nos.32868 of 2017 and 41342 of 2017**

**COMMON ORDER:**

Heard Sri K.S.Murthy and the Additional Advocate General, State of Telangana, for the respondents.

2. Both these Writ Petitions have been filed aggrieved by the inaction of the respondents in providing timely rehabilitation and resettlement entitlements to Project Displaced and Affected persons of the Open Cast Mining Project of Singareni Collieries Company Limited (for short 'SCCL') including the petitioners who are residents of Yellandu Municipality, Bhadrachalam District, which was notified as affected area of Jawahar Khani-open cast project of SCCL in A.P.Gazette No.37 dt.11-09-2008 vide orders of the then State Government in G.O.Ms.No.97, Energy Department (Power-4) dt.29-8-2008 making applicable the Rehabilitation and Resettlement Policy as notified vide G.O.Ms.No.68 Irrigation & CAD (Project Wing-LA-IV-R & R) Department dt.08-04-2005.

3. Admittedly, an extent of Ac.450.47 hectares was requisitioned by the SCCL for the above project and Ward Nos.19, 20 and 21 of Yellandu Municipality were declared as Affected Zone.

**CONTENTIONS OF PETITIONERS**

4. According to the petitioners, after a survey conducted in 2008, 1445 families were declared as Project Affected families for

whom resettlement and rehabilitation package was promised; that petitioners' names were also found in the Socio Economic survey report published; but they were not given either subsistence grant of Rs.1,44,500/- under various heads as contemplated under G.O.Ms.No.68 dt.08-04-2005 or a house plot promised therein.

5. It is contended that only two petitioners were paid benefits but rehabilitation has not been done.

6. They contend that they could not shift from their existing houses on account of the failure of the respondents to provide resettlement and rehabilitation benefits (R&R) as per the said G.O.

7. According to them, the police were used by the respondents to beat up the villagers forcing many of them to quit the area, but the petitioners have stayed back since they have nowhere to go.

8. It is contended that in September 2017, the respondents started threatening the petitioners to vacate the houses in their occupation, that to some houses water was let in and bunds were created to prevent them from entering their houses; and this action of the respondents in insisting that petitioners vacate their houses without R& R benefits being given to them is arbitrary, illegal and violative of Article 14, 21 and 300-A of the Constitution of India. They contend that the respondents are obligated to provide R&R benefits as per the G.O.Ms.No.68 dt.08-04-2005 and also as per the

Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'Act 30 of 2013').

9. Petitioners also contend that some of them belong to the Schedule Tribe community, that they are also qualified and eligible for jobs in SCCL as per the policy in vogue which entitles a tribal who lost land for the projects of SCCL to be provided a job therein, but this has not been done.

10. They contend that the Joint Collector, Khammam was appointed as Project Administrator vide G.O.Ms.No.2068 Energy Department dt.02-04-2008 for implementing the Resettlement and Rehabilitation for the project; that vide G.O.Ms.No.97 Energy (Power-IV) Department dt.29-08-2008, the area was declared as 'affected zone'; that Socio Economic Survey was also conducted in terms of G.O.Ms.No.68, Irrigation (PW) Department dt.08-04-2008; and though 1445 beneficiaries were identified as Project Displaced Families (including 104 tribal families), and as per G.O.Ms.No.34 Social Welfare (TW.SER.III/A2) dt.28-04-2010 the Tribal Empowerment Policy entitled at least one member of a displaced family to be provided employment, nothing has been done in that regard.

11. In W.P.No.41342 of 2017, it is further contended that in the Socio Economic survey which was published in the Gazette,

names of some of the petitioners' mothers are mentioned, that they have passed away, but the benefits are not given to their sons or daughters i.e. the petitioners; that though certain cheques for payment were issued in the name of parents of 6<sup>th</sup> petitioner, they were not handed over to the 6<sup>th</sup> petitioner; that some of the petitioners whose names are mentioned in the Gazette have not been given R&R package and housing facility; that a cheque was also prepared for payment of some amount to the 17<sup>th</sup> petitioner whose sister and mother were mentioned in the Gazette, but the cheque was not handed over to him; that the name of the 14<sup>th</sup> petitioner and her son were found in the Gazette, but the son died and she should be granted the R&R package and housing facility to which her son is eligible. It is also stated that names of petitioner Nos.18 to 21 were found in the Gazette, but since their ages were not tallying, the R&R package and housing facility was not granted. It is stated that petitioner Nos.22 to 28 are in possession of their property within the affected zone, but the survey did not indicate their names in the Gazette. It is stated that 30<sup>th</sup> petitioner's name is also mentioned in the survey, but only house plot was allotted without any R&R compensation but no employment has been given. It is further stated that the name of the petitioner No.29 was mentioned in the Gazette, but only compensation was granted and not housing facility. It is also contended that house valuation of SCCL ID-1144/A of Rs.23,073/- was not paid and as regards

petitioner No.31 and 34, neither RR package nor housing facility were granted.

**EVENTS PENDING THE WRIT PETITIONS:**

12. On 27-09-2017, this Court adjourned W.P.No.32868 of 2017 to 04-10-2017 and directed that in the meantime, the existing *status quo* so far as demolition is concerned be maintained till 06-10-2017.

13. On 04-10-2017, the Court directed that *status quo* existing as on that day with regard to possession of the petitioners be maintained.

14. On 18-12-2017 in W.P.No.41342 of 2017, the Court recorded the statement of the Standing Counsel for SCCL that necessary Rehabilitation and Resettlement is being made in respect of the petitioners and directed that there shall be stay of displacement of such of those petitioners who were not extended the benefit of Rehabilitation and Resettlement till the following Tuesday.

15. In both the Writ Petitions, on 13-07-2018 on a mention being made by the learned counsel for the petitioners that SCCL is conducting blasting work adjacent to the habitations of the petitioners, endangering their lives and those of their family members, the Court directed that no blasting work to be done from that date. The said order was extended on 20-07-2018 till 23-07-2018 and again till 25-07-2018 and 26-07-2018. On 26-07-2018, the Court directed that

pending further orders, respondents shall conduct controlled blasting 250 meters away from the habitations in occupation of the petitioners in order to ensure that there is no danger to their lives.

16. An additional affidavit was filed on 30-07-2018 by the respondents and thereafter the matters were reserved for orders.

**COUNTER AFFIDAVIT OF THE REVENUE DIVISIONAL OFFICER, KOTHAGUDEM IN W.P.No.41342 of 2017**

17. The respondent Nos.1 to 4 filed a counter affidavit in W.P.No.41342 of 2017 and did not file any counter in W.P.No.32868 of 2017.

18. In this said counter affidavit, it is stated that some of the Writ Petitioners received compensation themselves and in some cases, their parents received compensation package as per G.O.Ms.no.68 dt.08-04-2005; that some of the petitioners are not eligible for the same; there is no provision for providing jobs to Project Affected Families in the said G.O.; that though G.O.Ms.No.34 dt.28-04-2010 issued by the Government of Andhra Pradesh for implementation of Tribal Empowerment Policy contemplated that 'at least one member of displaced family would be provided employment in the mining or industrial project by providing necessary skills through appropriate training', the 3<sup>rd</sup> respondent had issued a notification I/1799/2008 stating only that Project Affected Families be identified as per G.O.Ms.No.68 which did not contain any provision for providing jobs to displaced persons or affected persons.

19. It is contended that land in Municipal Wards 19 to 21 of Yellandu town in which houses were constructed by residents including petitioners is Government land falling in Sy. No.609 of Yellandu Revenue village of total extent Ac.1059.01 gts; that this was leased to SCCL by the Government for 99 years through a lease deed dt.12-06-1883 which was renewed up to 31-12-2034; 636 houses located in the said wards were notified as Affected Zone for excavation of open cast mine; and all the residents including petitioners encroached the land and constructed houses at different times.

20. It is contended that as per requisition made by the SCCL, Socio Economic survey of families residing in 636 houses was conducted in 2008, that the data of such survey was published on 30-04-2009 for filing objections, and after enquiry 1429 families and 16 structures were notified by the Project Administrator and Joint Collector, Khammam vide reference No.I/2799/2009 dt.21-05-2012; out of the 1429 affected families, 1152 families are below poverty line and 277 families are above it, and they have been paid the following package amount as per G.O.Ms.No.68 in 2012-14 as per their eligibility:

|   |    |                                                                   | Rs.         |
|---|----|-------------------------------------------------------------------|-------------|
| I | i  | Loss of lively hood grant for farmers/labourers (625 wage days)   | Rs.62500-00 |
|   | ii | Subsistence allowances to Project Affected Family (240 wage days) | Rs.24000-00 |

|     |      |                                                                          |             |
|-----|------|--------------------------------------------------------------------------|-------------|
|     | iii  | Cash grant for construction of houses (for below poverty line category)  | Rs.50000-00 |
|     | iv   | Cash grant for construction of toilets (for Below Poverty Line category) | Rs.3000-00  |
|     | v    | Transportation grant                                                     | Rs.5000-00  |
|     | vi   | Cash grant for artisans/self employed as case may be                     | Rs.25000-00 |
|     | vii  | Construction of cattle shed                                              | Rs.15000-00 |
|     | viii | Additional assistance to (ST) families (500 wage days)                   | Rs.50000-00 |
| II  |      | Payment of structural value as determined by R&B Department              |             |
| III |      | Provision of House site plot in R & R colony                             |             |

21. In the counter-affidavit, as regards some of the petitioners, the 4<sup>th</sup> respondent has stated that some amounts have been paid and some house plots have been provided. When the actual payments were made is not mentioned. It is also stated that some of the petitioners are not eligible for certain reasons mentioned therein.

**Counter-affidavit of S.C.C.L. :**

22. Practically, the S.C.C.L. has adopted the stand taken by the respondents in every respect.

23. It is however stated that it had developed R&R colony in all respects by providing necessary infrastructural facilities to the families who have constructed houses after allotment of house plots as per Rules, but there are still 132 families whose members, having received R&R package, are still continuing in their houses citing one reason or the other.

24. It is stated that while G.O.Ms.No.34 dt.28.04.2010 does indicate that one member of tribal families is entitled to employment, there is no such facility in G.O.Ms.No.68 dt.08.04.2005 and that its Board on 13.05.2013 approved for implementing G.O.Ms.No.34, but clarification was sought from the Commissioner (R&R) on 15.12.2012 and no such clarification has been received from Government Departments. It is also stated that the Board Resolution dt.13.05.2013 has been kept in abeyance by another Resolution dt.04.03.2017. It is stated that R&R benefits were given to all in 2013.

**The Point for consideration :**

25. In view of the rival contentions of the parties, the point which arises for consideration is :

*“Whether the petitioners are entitled to any relief in the Writ Petitions ?”*

**The consideration by the Court :**

26. From the facts stated above, it is clear that vide G.O.Ms.No.97, Energy Department dt.29.08.2008 published in the A.P. Gazette 371 dt.11.09.2008, Municipal Ward Nos.19, 20 and 21 in Yellandu Municipality were declared as ‘Affected Zone’ for expansion of mining activity by S.C.C.L. under Jawahar Khani Open Cast Mining Project.

27. This notification was issued under Para no.5.1 of Chapter V of the A.P. Resettlement and Rehabilitation Policy, 2005 laid down in G.O.Ms.No.68, Irrigation and C.A.D. (PW) Department, dt.08.04.2005. This policy is discussed below in more detail.

28. The petitioners allege that they and / or their family members were having houses in the said area and that proper R&R has not been done; and they have not been allotted house plots and other benefits under the said G.O.Ms.No.68 dt.08.04.2005 have not been paid to them. This is disputed by respondents by contending that some petitioners have already been provided the same and some are ineligible.

29. In order to appreciate the contentions, it is important to note what G.O.Ms.No.68 dt.08.04.2005 actually provides.

**G.O.Ms.No.68 dt.08.04.2005 :**

30. The said G.O. recognized that compulsory acquisition of land for implementation of development and infrastructure projects displaces people from their homes, land and/or their means of livelihood, that such displacement has other psychological, social and cultural consequences, and the need to minimize large scale displacement to the extent possible. Where displacement is inevitable, it recognized the need to address the issue of displacement with *utmost care, human touch and forethought particularly in respect of tribal, small and marginal farmers.*

31. It contemplated under clause 4.0, the appointment of an Administrator and Commissioner for Resettlement and Rehabilitation and set out their powers and functions.

32. Chapter V dealt with schemes/plans for resettlement and rehabilitation and clause 5.0 laid down the procedure to be followed for declaration of Affected Zone, carrying out Survey and Census of Project Affected Families, Assessment of Government Land available and land to be acquired for the purpose of resettlement and rehabilitation (for short 'R&R'), preparation of draft scheme/plan for R&R and its final publication. Clause 5.5 directed that survey should be done *within maximum period of 90 days from the date of declaration of an Affected Zone*; thereafter the Administrator should publish a draft in the Gram Panchayat concerned the details of the findings of the survey conducted by him for inviting objections and suggestions from all persons likely to be affected thereby (clause 5.6); on the expiry of 30 days from the date of the publication of the draft of the details of the survey and after considering the objections and suggestions received, the Administrator is required to submit the final details of survey with his recommendations to the District Collector for approval; and thereafter the District Collector should obtain necessary funds from the relevant Head of Accounts from the Commissioner, Resettlement and Rehabilitation, Andhra Pradesh (clause 5.7); within 45 days from the date of receipt of recommendations of the Administrator, the District Administration

should publish the final details of survey in the District Gazette and place a copy of the publication in the concerned Gram Panchayat (clause 5.8); the Administrator is required to ensure that Project Displaced Families, as far as possible, are settled preferably in group or groups and such *sites should form a part of existing Gram Panchayat*; and take care to see that such resettlement with the host community is *on the basis of equality and mutual understanding, consistent with desire of each group to preserve its own identity and culture (clause 5.9)*.

33. The Administrator is required by clause 5.10 to draw up a list of lands, which may be available in any existing Gram Panchayat or neighbouring Gram Panchayat for resettlement of Project Displaced Families. The lands drawn up under para-5.10 shall consist of (a) Government waste lands or any other land vesting in the Government available for Resettlement of Project Displaced Families and (b) if such Government land is not sufficiently available, to acquire land for R&R (clause 5.11).

34. Clause 5.14 directs the Administrator to prepare draft scheme/plan for R&R of Project Displaced Families and Project Affected Families *in consultation with their representatives including women, Chair Persons of elected Panchayat Raj Institutions within which the project area is situated* and there must be discussion of the draft scheme *in Gram Sabhas in rural areas* and *in public hearings*. Clause 5.16 makes it the responsibility of the requiring body to

provide sufficient funds to the Administrator for proper implementation of R&R scheme of Project Affected Families. Clause 5.18 deals with the contents of the draft scheme and clause 5.20 directs publication of final R&R scheme by the District Administration after its approval is obtained in the village/locality concerned including the District Gazette so that there is *wide publicity*.

35. Chapter VI sets out R&R benefits for Project Affected Families and Project Displaced Families and states that those Project Displaced Families holding up to Ac.0.05 cts of village site, which was acquired, are entitled to be allotted house site of extent 202 sq.m. of land in rural areas or 75 sq. m. of land in urban areas in the Resettlement Zone *besides payment of compensation for the structures, if any therein* (clause 6.2 (a)).

36. Clause 6.2 (ai) states that if a Project Displaced Family *desires to migrate and settle at the place of his/her choice*, cash compensation in lieu of house site as applicable in the Resettlement Zone shall be paid besides payment of compensation for the structures, and in case such family belongs to Below Poverty Line category, it states that they are entitled to be given one time financial assistance for house construction including cost of sanitary latrine as fixed by the Government. Clause 6.3 states that each Project Displaced Family of BPL category, who has been allotted a free house site under clause 6.2, is also entitled to one time financial assistance of

Rs.50,000/- and a further sum of Rs.8,000/- as additional housing grant is also to be given.

37. Clause 6.2 (c) states that compensation payable under clause 6.2 shall be on par with the package deal in case of acquisition of private/patta lands.

38. Clause 6.4 deals with Government land for Project Affected Families who become small or marginal farmers or landless after acquisition. It directs that such persons if allotted waste/degraded or agricultural Government land within the district in lieu of acquired land, shall also get financial assistance of Rs.10,000/- per hectare for land development and in case of allotment of agricultural land, Rs.5,000/- per Project Affected Family and such allotment of Government land will be restricted to an extent of land acquired from the Project Affected Family or 2.5 hectares of dry or 1.25 hectares of wet land, whichever is lesser. But no compensation/ex gratia would be paid in such cases.

39. Clause 6.7 provides for a grant for cattle shed and clause 6.8 provides for grant for transporting materials as a one time financial assistance to Project Affected Families. Clause 6.9 deals with grant of one time financial assistance to Project Affected Family comprising of rural artisan/small trader/self employed person for construction of working shed/shop and also training for development

of entrepreneurship, technical and professional skills for self employment.

40. Clause 6.10 is an important benefit conferred on Project Affected Families and entitles such families owning agricultural land in the affected zone and whose entire land has been acquired to get *one time financial assistance equivalent to 750 days minimum agricultural wages for loss of livelihood if no land is allotted in lieu of acquired land.*

41. Clause 6.11 provides for payment of *500 days minimum agriculture wages to marginal farmers*, clause 6.12 provides for *375 days minimum agricultural wages to small farmers*, if no land is allotted in lieu of acquired land and clause 6.13 provides for *625 days minimum agricultural wages to labourers.*

42. Clause 6.14 provides for grant of subsistence allowance equivalent to *240 days of minimum agricultural wages to each Project Affected Family which is also a Project Displaced Family in addition to any other benefit available to him as Project Affected Family; and to each vulnerable person @ Rs.500/- a month as pension.*

43. Clause 6.15 even provides for making available *transit accommodation pending R&R scheme in case there is an emergent situation such as under Section 17 of the Land Acquisition Act, 1894 to each Project Affected Family.*

44. Chapter VII deals with Dispute Redressal Mechanism by constituting an R&R Committee at project level (clause 7.1), a Grievance Redressal Cell (clause 7.2) and an Ombudsman (clause 7.5).

45. These are some of the salient features of the Government's R&R policy notified in G.O.Ms.No.68 dt.08-04-2005.

46. Thus, the said G.O. provides for a time-bound implementation of R&R policy and sets out in detail the methodology to be followed including Dispute Redressal Mechanism by constituting an R&R Committee at project level (clause 7.1), a Grievance Redressal Cell (clause 7.2) and an Ombudsman (clause 7.5).

**The conduct of the respondents :**

47. As pointed above, the counter-affidavits filed by both 3<sup>rd</sup> respondent as well as S.C.C.L. do not indicate when exactly cash benefits were paid to some of the eligible petitioners. Though cheque numbers have been given, the dates of issuance of cheques have not been mentioned.

48. Dates of allotment of house plots to some of the petitioners or their family members are also not given.

49. As per G.O.Ms.No.68 dt.08.04.2005, compensation in terms of certain specific days of minimum agricultural wages is to be

paid to different categories of affected persons. The counters of the respondents are silent on what basis this calculation was done, i.e., at wages at what rate on which date were taken into account.

50. After the Socio-Economic survey was done, it is stated by respondents that its results were published allegedly on 30.04.2009 and time for filing objections was granted up to 30.05.2009. But it is not known whether the final list was prepared by the Administrator and approved by the District Collector within 45 days from the date of receipt of recommendations of the Administrator, and whether the District Administration published the final details of survey in the District Gazette and placed a copy of the publication in the concerned Gram Panchayat as contemplated in Clauses 5.6 to 5.9.

51. It is not known whether as per Clause 5.14, the Administrator prepared draft scheme/plan for R&R of Project Displaced Families and Project Affected Families *in consultation with their representatives including women, Chair Persons of elected Panchayat Raj Institutions within which the project area is situated*, whether there was any discussion of the draft scheme *in Gram Sabhas in rural areas* and in *public hearings*, and whether, as per clause 5.20, publication of final R&R scheme was done by the District Administration after its approval is obtained in the village/locality concerned including the District Gazette so that there is *wide publicity*.

52. Though the 3<sup>rd</sup> respondent has been appointed as Project Administrator, admittedly there is no Grievance Redressal Cell or Ombudsman appointed to resolve disputes.

53. In the absence of a Grievance Redressal Mechanism constituted by the respondents, it would be difficult to petitioners to complain if they are not given what they are entitled under G.O.Ms.No.68 dt.08.04.2005.

54. I am therefore of the opinion that notwithstanding the tall claims of the respondents that R&R has been carried out as per G.O.Ms.No.68 dt.08.04.2005, only some benefit has been given to some of them without following the procedure in G.O.Ms.68. From what the petitioners contend it appears that substantially much more needs to be done.

55. Not only has there been considerable delay in giving benefits under the said G.O., but there also seems to be serious dispute as to entitlement of some of the petitioners to the benefits which a Grievance Redressal mechanism, had it been constituted under the G.O.Ms No.68, would have taken care of. Also, for delay in the payment of minimum agricultural wages from 2008, the eligible persons/petitioners cannot be paid on the basis of minimum wages as were existing in 2008 ignoring the delay and the increase of such wages in the meantime.

56. Admittedly, some of the petitioners belong to the Schedule Tribe community. G.O.Ms.No.34 Social Welfare (TW.SER.III/A2) Department dt.28-04-2010 was issued declaring the Tribal Empowerment Policy, 2010-2015. Para-9 of the said G.O. contemplates that at least *one member of a displaced family will be provided employment in the mining or industrial projects by providing necessary skills through appropriate training.*

57. On the pretext that such a benefit is not granted under G.O.Ms.No.68 dt.08-04-2005 the respondents are declining to give the same. This is patently arbitrary and unreasonable and the respondents cannot disown their obligation under the Tribal Empowerment Policy and refuse to provide employment as envisaged thereunder.

**THE LEGAL POSITION ON THE RIGHT TO R&R OF PROJECT DISPLACED AND PROJECT AFFECTED PERSONS**

58. In **State of M.P. Vs. Narmada Bachao Andolan and another<sup>1</sup>**, the Supreme Court declared that for people whose lives and livelihoods are intrinsically connected to the land, the economic and cultural shift to a market economy can be traumatic; that though the plea of deprivation of right to livelihood under Article 21 of the Constitution in the case of land acquisition is unsustainable, still they are entitled to resettlement and rehabilitation as per the policy framed for the oustees of the project; mere payment of compensation would not be enough in case the oustee is unable to purchase the land with

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<sup>1</sup> (2011) 7 S.C.C. 639

the compensation received by him; that in the process of development, the State cannot be permitted to displace tribal people, a vulnerable section of society, suffering from poverty and ignorance, without taking appropriate remedial measures of rehabilitation; that 'rehabilitation', is restoration of status of something loss, displaced or even otherwise a grant to secure a dignified mode of life to a person who has nothing to sustain himself and is different from 'compensation'; that *this concept brings within its fold the presence of elements of Article 21 of the Constitution of India*; and those who have been rendered destitute, have to be assured a permanent source of basic livelihood to sustain themselves. It clarified that rehabilitation has to be done to the extent of displacement that it is compensatory in nature with a view to ensure that the oustee and his family are at least restored to the status that was existing on the date of commencement of the proceedings under the Land Acquisition Act, 1894.

59. The conduct of the respondents in this case does not indicate any seriousness in carrying out R&R on the above basis.

60. After the above legal position was pointed out by the Court to the Additional Advocate-General and to the Standing Counsel for S.C.C.L. and the Court expressed its anguish at the manner in which R&R as per G.O.Ms.No.68, dt.08.04.2005 was ignored, an additional affidavit was filed by S.C.C.L.

**The Additional Affidavit of the 6<sup>th</sup> respondent :**

61. It is stated therein that as per the Socio-Economic survey which was conducted in the year 2008, the authorities identified 636 houses in existence; that the respondent authorities have provided R&R benefits to all the eligible Project Displaced Families (PDF); that in the above two Writ Petitions, the petitioners are 61 in number and they are residing in 26 houses.

62. It is stated that the remaining PDFs have already vacated their houses and occupied the house plots which were allotted to them under R&R Scheme at J.K.-5 O.C. (Open Caste) Land Losers Colony covered by Sy.No.609 of Yellandu Town, Bhadradi-Kothagudem District, in which they have constructed their houses on receiving the amounts under the above said R&R scheme.

63. It is further stated that if respondent nos.2 to 4 decide the eligibility criteria of the petitioners in respect of R&R benefits in these Writ Petitions, the SCCL shall implement the said orders; that the SCCL is ready and willing to provide alternative accommodation to the Petitioners by allotting the Company Employee's Quarters situated at J.K. Colony, Yellandu Town, i.e., M.Q Type Quarter (Miners Quarters) with a plinth area of 34.48 Sq.Mtrs. and T.Q. Type Quarter (Teachers Quarter) with a plinth area of 35.95 Sq.Mtrs., each quarter consisting of Hall, Bed Room, Kitchen, Bath Room and Toilet; that the said employee's quarters are at a distance of 1 K.M.

from the present place of residence of petitioners; and that accommodation will be made ready within a period of one week, if petitioners agree to give an undertaking that they shall vacate the alternative accommodation within a period of (15) days from the date of passing an order about their R&R entitlement / payment by the respondent nos.2 to 4.

**The consideration by the Court**

64. It is not in dispute that the State Government has appointed Commissioner for Rehabilitation and Resettlement constituted under Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the Act 30 of 2013”).

65. The grievances of the petitioners and other project displaced families/project affected families therefore need to be addressed and cannot be allowed to linger indefinitely without any resolution leaving them at the mercy of the respondents.

66. In this view of the matter, the following directions are issued:

(a) the petitioners and other project displaced and project affected families are directed to make representations to the Joint Collector, Kothagudem about their grievances regarding their entitlements under G.O.Ms.No.68 dt.08.04.2005 and G.O.Ms.No.34 dt.28-04-2010 within two (02) weeks from the date of receipt of copy of this order;

they shall be considered by the said Officer within three (03) months of such filing; all individual/group grievances, claims and counter-claims as to eligibility, including issues as to what should be the date for reckoning of eligibility and whether daughter's claims are to be taken into account etc. shall be gone into and decided by the Joint Collector, Kothagudem, *under the guidance of the Commissioner for Rehabilitation and Resettlement* constituted under Act 30 of 2013. The said Commissioner shall supervise and guide the Joint Collector, Kothagudem and ensure that all the eligible Project Displaced Families and Project Affected Families get all the benefits under the said G.Os. The S.C.C.L. shall co-operate with the Joint Collector, Kothagudem and the Commissioner for Rehabilitation and Resettlement in all respects and ensure smooth implementation of the said G.O;

(b) For eligible persons who have not been paid Minimum Agricultural Wages or who have been paid belatedly such wages, the Joint Collector, Kothagudem shall determine the same as per the latest Common Schedule of Rates as per T.S. Revised Standard Data, prepared by the Board of Chief Engineers mentioning Labour Rates for various skilled, semi-skilled workers, or the latest notification under the Minimum Wages Act, 1948, whichever, is higher as per clauses 6.10 to 6.14 of G.O.Ms.no.68 dt.08-04-2005 within four (04) weeks from the date of receipt of copy of the order. This amount shall be made available by SCCL to the Joint Collector, Kothagudem for

disbursement to eligible persons after deducting amounts, if any, already to them;

(c) as offered in the additional affidavit filed on 31-07-2018 by the SCCL, the SCCL shall make available transit accommodation at its employees' quarters situated at J.K. Colony, Yellandu town in M.Q. type quarters (Miners quarters) and T.Q. type quarters (Teachers quarters) with electricity and water connection amenities to the petitioners who apply to the General Manager, SCCL, Yellandu Area, for the same within two weeks from the date of receipt of copy of this order and who are willing to give an undertaking that they would vacate it within 30 days from the date of passing of the order about their R&R entitlement/payment by respondent Nos.2 to 4; till such accommodation is made available to petitioners desiring the same, the blasting work shall not be carried on within 250 mts of the habitations where they are presently residing, and electricity and drinking water amenities shall be continued for such habitations by the respondents; and

(d) one family member of such of the petitioners who are Scheduled Tribes shall be provided employment by SCCL as per G.O.Ms.No.34 dt.28-04-2010 within three (03) months from the date of receipt of copy of this order.

67. The Writ Petitions are accordingly allowed as above. No costs.

68. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 10-08-2018

Note:-

Copy of this order be communicated to:

1.The Commissioner, Resettlement and Rehabilitation, Jai Bhavan, 7<sup>th</sup> Floor, Buddha, Mahatma Gandhi Road, Ranigunj, Secunderabad.

2. The Joint Collector, Kothagudem.

B/o.  
kvr/ndr

