

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3524 of 2018

ORDER:

The action of the respondent authorities in threatening to demolish the structures and dispossess the petitioner from the land situated in Sy.Nos.76, 83 and 84 of Gowaram Village, Wargal Mandal, Siddipet District, without issuing any notice or passing Award or paying compensation under the provisions of the Right to Fair Compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013 (in short "the Act"), is challenged in the present Writ Petition.

It is asserted in the Writ affidavit that the petitioner is the absolute owner of the properties situated in Sy.Nos.76, 83 and 84. The property situated in Sy.No.76 was acquired by her and her husband late L.V.Pratap Reddy, who died on 21.03.2017. In the subject property, by obtaining bank loan, they constructed poultry farm viz., Pratap Poultry Farm, consisting of 7 sheds housing more than 2 lakh birds and against the said loan, bank has initiated action against them and they approached the Debts Recovery Tribunal and making efforts to settle the dues with the Bank. While the matter stood thus, on 01.02.2018 when the personnel of the 4th respondent's office making markings they questioned the same, on that they informed that the above property is being acquired for Konda Pochamma Reservoir, but except issuing notification in the newspapers on 15.08.2017 no other proceedings or notices have been served on them. It is further asserted that without considering their request to grant some time to shift the birds the respondent authorities are forcibly trying to take

possession without passing award or payment of compensation.

Hence, the Writ Petition.

Heard the learned counsel for the petitioner.

Learned Government Pleader for Revenue (Telangana) has placed on record the instructions received from the Revenue Divisional Officer, Gajwel, which reads as under –

“In this regard, it is to submit that the Telangana Government proposed for construction of Kodapcohamma Sagar Reservoir under Kaleshwaram Project in Gajwel Division of Siddipet District. The meager extent i.e., 1% of the patta land of Gouraram village is affecting and neighboring villages Bahilamur, Thanedarpally and Mamidyal of Mulugu Mandal are going to be fully submerging in proposed reservoir.

It is to submit that the petitioner Smt. Shanta bai having the patta land to an extent of AC.16-38 gts., in Sy.No's 76, 77 and 83. Apart from, an extent of Ac.7-15 gts is only affecting in the proposed Reservoir. For acquiring the lands covering in the above village, a Notification was issued U/s 11(1) of this Act 30 of 2013 and it was published in Andhra Bhoomi & Andhra Prabha Telugu daily News papers on 15.08.2017. Later, conducted the Grama Sabha in the village on 31.01.2018 U/s 11(2) of the Act after issue of notification by giving prior notice to the Sarpanch and panchayat Secretary of the Grama Panchayath, Gouraram village. During the Grama Sabha, informed to all the villagers about the affecting of lands, capacity of the reservoir, Rehabilitation and Resettlement to the affected families, necessity of the project and its purpose.

It is to submit that, none of the person including petitioner filed objections upon the issued above Preliminary Notification U/s 11(1) of the Act.

Further it is submitted that the above said lands will be acquired duly following the procedure prescribed in the Act.”

In the light of the stand taken by the Revenue Divisional Officer, Gajwel, that the above said lands will be acquired duly following the procedure prescribed under the Act, the Writ Petition is disposed of with a direction to the respondent authorities to adhere to the submissions made before this Court and strictly follow the procedure contemplated under the Act. No costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J.

Date: 08.02.2018.

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