

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITIONS No. 4574, 4577, 4612 & 4637 OF 2018

COMMON ORDER :

All these Writ Petitions have been filed seeking to declare the action of the respondents in constructing and commissioning "Talelma 1.1 Scheme on the fore shore of Singoor Project" for lift irrigation purpose by submerging the petitioners' patta lands situated in various survey numbers at Talelma Village, Andhole Mandal, Sanga Reddy District, without issuing any notification and without following due process of law, as illegal and arbitrary.

The petitioners claim ownership over various extents of patta lands. Their grievance is that if the respondents proceed with the work, as proposed, their lands will be submerged and they will be deprived of their livelihood. Hence, the petitioners pray that the respondent authorities, who are duty-bound to initiate land acquisition proceedings, may be directed to acquire the subject lands, duly following the procedure established by law.

When these matters came up for admission on 14.02.2018, learned Standing Counsel for the 3rd respondent Corporation had submitted, on oral instructions, that the lands of the petitioners are not likely to be submerged, in any manner. Hence, this Court directed the learned Standing Counsel to file an affidavit to that effect.

Today, learned Standing Counsel has placed on record the affidavit sworn to by the 5th respondent Sri B. Kheema Nayak, S/o Balram Nayak, Project Engineer, Telangana State Irrigation Development Corporation, wherein, while denying the allegations in the Writ Petition, it has been categorically stated as under:

"..... the scheme proposals are made duly following the procedures i.e. obtaining Hydrological clearance and administrative

approval from the Government of Telangana. Further, it is submitted that the petitioners wilfully and falsely stated that their lands will be submerged with the fore shore of “Singoor Project water and their lands are not fit for cultivation. In fact, the scheme is proposed to fill the tank up to F.T.L. Level and no lands will be submerged above F.T.L. Level of the tank.”

In the light of the affidavit of the 5th respondent, since it has been stated that the petitioners’ lands are not going to be affected due to the project work, the question of directing the respondent authorities to acquire the lands of the petitioners, duly following the procedure prescribed under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013, does not arise. The Writ Petition is, therefore closed. However, it is made clear, in the event the petitioners’ lands are getting affected, in any manner, they are at liberty to approach this Court seeking appropriate orders. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

12th March 2018

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