

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27281 of 2007

ORDER:

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in not considering the claims of the petitioners for being allotted with the alternative house sites under Special Economic Zone (SEZ) Rehabilitation Scheme having acquired their lands and pukka house for establishment of SEZ as arbitrary and illegal. A consequential direction is also sought to allot alternative house sites to the petitioners under the SEZ Rehabilitation Scheme in Gujrapalem Village, Rambilli Mandal, Visakhapatnam District.

Heard Sri A.Sanjeev Kumar, learned counsel for the petitioners and learned Government Pleader for Land Acquisition.

It has been contended by the learned counsel for the petitioners that the respondents have acquired the agricultural lands of the petitioners in Rambilli Mandal for the purpose of SEZ. As per SEZ Rehabilitation scheme, the respondents have assured that the persons who have lost their land for establishing SEZ shall be rehabilitated by way of alternative house sites or land. But the case of the petitioners was not considered on the ground that the petitioners could not produce identity cards and other proof of displacement from the lands.

Learned Government Pleader for the respondents contended that the petitioners are not originally displaced persons and they are not residents of the displaced village. The revenue administration of the village identified the beneficiaries and allotted the house sites. Since the petitioners could not be identified as beneficiaries under the said scheme, their cases were not considered.

In reply, learned counsel for the petitioners has stated that the petitioners have identity cards and proof that they are residents of Gurjapalem Village, Rambilli Mandal and they have to be given an opportunity to establish that they are displaced persons and are entitled for allotment of house sites, in lieu of their land being acquired for developing Special Economic Zone.

Learned counsel for the petitioners further submits that the petitioners 1, 3, 8, 9, 10 and 12 were granted house sites and in respect of other petitioners, house sites could not be allotted for want of identity particulars. Now learned counsel for the petitioners has contended that the other petitioners have ID proofs and enough material to administer before the authorities that they are displaced persons and they are entitled for allotment of house sites.

Having considered the rival submissions made by the parties, the writ petition is disposed of with a direction to the petitioners to submit a representation along with

documentary evidence before the respondents within two weeks from the date of receipt a copy of this order and upon receiving such representation, the respondents shall consider and examine the case of each petitioner and pass appropriate orders within a period of eight weeks, so as to determine whether the petitioners are really displaced persons and whether they are entitled for any house sites as per scheme of Rehabilitation of displaced persons.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12-04-2018
Nvl

