

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A. No. 547 of 2018

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ appeal is preferred against the order dated 30.11.2017 in W.P.No. 41984 of 2016 passed by learned Single Judge of this Court.

The appellants, who are the writ petitioners, are claiming themselves to be residents of Bhadrachalam and eking out their livelihood by doing petty businesses. They also own certain lands. Their residential houses and lands were acquired by the Government for the purpose of widening the roads around Sree Seetharama Chandraswamy Devasthanam at Bhadrachalam for which they were paid compensation. The compensation was paid after negotiations with the house owners including the appellants. Thereafter, the petitioners filed W.P.No. 41984 of 2016 challenging the action of the respondents in not providing them any jobs under rehabilitation/ resettlement for acquiring their lands.

In the affidavit filed in support of the writ petition, it is averred that the appellants-petitioners are old people and suffering from old age ailments and at this stage they are not doing work for their livelihood. If the respondents provide any employment to the appellants' children, then their

children will look after the appellants, but the respondents did not consider the appellants' request. It is further averred that as per the Land Acquisition, Rehabilitation & Resettlement Act, 2013, there is a provision of employment to the rehabilitation people whose lands and houses were acquired by the Government, but the respondents have not provided any jobs to the children of the appellants.

The 4th respondent filed counter affidavit in the writ petition stating that it has nothing to do with the payment of compensation or provision of employment to the land-losers. It is further averred that in view of the financial position of the 4th respondent – Devasthanam, it is also not possible to provide employment either to the petitioners or to their children. Since the petitioners could not provide any material or rely on any provision of law entitling them to employment, the writ petition was dismissed.

The learned counsel for the appellants has produced before us a copy of G.O.Ms.No.98, Irrigation (Proj. Wing) Department, dated 15.04.1986, whereby Collectors were directed to draw up a list of those eligible displaced persons for certain jobs in the Projects and forward to the Project authorities for making appointments to the categories indicated in the G.O. and send a copy of the list to the employment exchanges covering the project area.

We note, the aforesaid G.O. is issued if the lands are acquired for the purpose of Major and Medium Irrigation & Power Projects and the same is not applicable to the present case as the land of the petitioners was acquired for road widening.

It is to be taken note of that the appellants' lands were acquired in the year 2012 and the writ petition was filed in 2016. Moreover, the learned counsel for the appellants has not disclosed as to the quantum of compensation received by the appellants and other persons whose lands were acquired and who have been provided employment by the respondents.

In view of the facts recorded above, we see no ground to interfere with the well-reasoned order dated 30.11.2017 passed by the learned Single Judge of this Court.

The writ appeal is devoid of merit and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

06.06.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J