

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal Nos.642 & 644 of 2018

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

These appeals are preferred, under Clause 15 of the Letters Patent, against the interlocutory orders dated 9.3.2018 passed by the learned Single Judge in I.A. No. 1 of 2018 in W.P. No. 6964 of 2018 and in I.A. No. 1 of 2018 in W.P. No. 6944 of 2018. The interim relief sought for in I.A. No. 1 of 2018, in W.P. No. 6964 of 2018, is as under:

“The High Court may be pleased to stay all further proceedings including construction of the enhanced capacity of Gouravelli reservoir in Gouravelli (v), Akkanapet (m) of Siddipet District erstwhile Karimnagar District and consequently not to dispossess the Petitioners without making any provisions for rehabilitation and re-settlement LA Act, 2013 or RFCTLARR Act 2013, Right to Fair Compensation, Transparency, Rehabilitation and Re-settlement (Telangana Amendment) Act, 2016 (Act No.21 of 2017) pending disposal of the Writ Petition No. 6964 of 2018.”

The interim relief sought for in I.A. No. 1 of 2018 in W.P. No. 6944 of 2018 is as under:

“The High Court may be pleased to stay all further proceedings including illegal construction works if any in the said lands of Peddakoduru Village, Chinnakodur Mandal in Medak District and not to dispossess the petitioners without making any provisions for rehabilitation and re-settlement, pending disposal of Writ Petition No. 6944 of 2018.”

In the orders under appeal, the learned Single Judge observed that granting an interim order, of this nature, does not in any way aid the final relief that may be granted to the petitioners; the claim of the petitioners was only with respect to the rehabilitation and re-settlement benefits; as such, stoppage of construction was wholly unnecessary; and, in these circumstances, the Court was not inclined to grant interim relief to the petitioners.

Smt. B. Rachna Reddy, learned counsel for the appellant-writ petitioners, would submit that, though the relief sought for in the I.As. is couched in wide terms, the grievance in the Writ Petitions is only for identification of those affected families who are entitled for R&R benefits; and, even without such an exercise of identification being undertaken, the appellant-writ petitioners, all of whom fall within the definition of “affected families” under Section 3(c) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (hereinafter referred to as “the 2013 Act”), are being denied their primary source of livelihood, on the subject lands being purchased by Government, and the land owners being dispossessed as a consequence thereof.

While the submission made before us is that the appellant-writ petitioners only seek a direction to the respondents to identify the affected families who are all entitled to be extended R&R benefits, the interim prayer sought for, in the Writ Petitions, was to stay all further proceedings including construction of the reservoir, and the alleged illegal construction works in the lands of the appellants. The learned Single Judge was, in the light of the interim prayer sought for by the appellant-writ petitioners, justified in holding that the order sought for, by way of interim relief, did not in any way aid the final relief sought for in the Writ Petitions.

Smt. B. Rachna Reddy, learned counsel for the appellants, would submit that, if liberty is granted to the appellant-writ petitioners, they would file an I.A. afresh in both the Writ Petitions confining their claim only to their identification as affected families, and to be granted the rehabilitation and re-settlement benefits under the 2013 Act.

We consider it appropriate, in such circumstances, to set aside the orders under appeal, permit the appellant-writ petitioners to

withdraw I.A. No. 1 of 2018 in both the Writ Petitions, and grant them liberty to file an IA afresh confining the relief, sought for by them, only for their identification as affected families under Section 3(c) of the 2013 Act, and to be extended the R&R benefits which affected families are entitled under the 2013 Act.

Both the Writ Appeals are disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

23rd April, 2018

Note:

Furnish c.c. in two days.

b/o

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(KONGARA VIJAYA LAKSHMI, J)



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Date:23.04.2018

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