

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.25511 of 2018

ORDER:

Heard the learned counsel for petitioners and the learned Additional Advocate General appearing for the respondents.

2. Petitioners are agricultural labourers and they are assailing action of the respondents in not considering their objections filed on 15-09-2017, 19-01-2018, 21-01-2018, 31-01-2018, 01-02-2018, 06-02-2018, 21-05-2018, 22-05-2018 and 23-06-2018 under Section 15 (2) of the Act, 30 of 2013 and in issuing declaration under Section 19 (1) of the said Act by 1st respondent. It is therefore their specific contention that they had sought for details about the project for construction of Mallannasagar reservoir in Telugu and the same had not been furnished to the petitioners.

3. Similar issue had been considered by this Court in W.P.No.19572 of 2018 and the same was disposed of on 20-06-2018 allowing the Writ Petition by setting aside the declaration dt.16-05-2018 issued under Section 19 of the Act by 1st respondent as regards petitioners therein.

4. Therefore for reasons alike this Writ Petition is also allowed and the 6th respondent is directed to furnish the material sought by the petitioners regarding the project etc. in Telugu on or before 06-08-2018 by making available Telugu translation of

Volume-I (15 copies of the DPR) of the said project which contains the gist of the DPR at the office of the Gram Panchayat, Vemulghat village, Thoguta Mandal, Siddipet District (erstwhile Mandal), Telangana State, and other Volumes in English of equal number in the said office for perusal of the petitioners; on or before 27-08-2018, the petitioners shall submit fresh objections, if any, on the basis of such material before the 6th respondent; and the 6th respondent shall conduct personal hearing to the petitioners or their counsel on 04-09-2018 at 10.30 a.m. at his office; and communicate his decision on the objections to the petitioners within four weeks thereafter. Also, the award already passed shall not be deemed to be an award governing the petitioners and a separate award, if need be, shall be passed for them under Section 31 of the Act. Further, in view of Section 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which prohibits taking of possession until full payment of compensation as well as rehabilitation and resettlement entitlements are paid to entitled persons including the petitioners herein, who claim to be landless agricultural labourers entitled thereto under Section 16 of the said Act, there shall be stay on taking possession and initiation of any kind of construction activities by the respondent authorities in the lands procured under G.O.Ms.No.123 dt.30-07-2015 and under Section 30A of Act 21 of 2017 in Vemulaghat for the proposed Komaravelli Mallannasagar reservoir while allowing the agriculture operations to continue in the subject lands. No costs.

5. As a sequel, the miscellaneous petitions, if any pending,
shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 25-07-2018

Note:-

Issue C.C. in two days.

B/o.

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