

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.Nos.24233 of 2015, 25405 of 2016, 3564 of 2017 and 36049 of 2017

COMMON ORDER:

Heard Sri K.S.Murthy and Sri K.Rajanna, learned counsel for the petitioners and Additional Advocate General, State of Telangana, for the respondents.

2. All these Writ Petitions have been filed aggrieved by the inaction of the respondents in providing timely rehabilitation and resettlement entitlement to Project Displaced and Affected persons of the Open Caste Mining Project of Singareni Collieries Company Limited (for short 'SCCL') including the petitioners who are residents of Peddampet Abadi (Jallaram) and Mangalpally villages, Kamanpur Mandal, Karimnagar District in spite of expiry of more than five years from the date of pronouncement of award under the Land Acquisition Act, 1894 pursuant to notifications issued under Section 4 (1) of the said Act from 2007 to 2012 even though Rehabilitation and Resettlement Policy was notified vide G.O.Ms.No.68 Irrigation & CAD (Project Wing-LA-IV-R & R) Department dt.08-04-2005 by the then State Government.

3. Petitioners seek rehabilitation and resettlement as per provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) and seek direction to the respondents to grant the same to the petitioners by taking into consideration living costs, inflation,

employment and enhanced monetary assistance as per the prevailing rates for every family of the said village whose residents were displaced/ and are affected persons on account of the implementation of the said project.

4. The petitioners in W.P.No.24233 of 2015, 25405 of 2016 and 36049 of 2017 are individuals while the petitioner in W.P.No.3564 of 2015 is registered association of residents of said villages whose entire villages were notified by the State Government under Section 4 (1) of the Land Acquisition Act, 1894 on 23-04-2007 for the purpose of Depillaring Operations at GDK6B section of GDK6B (IGM) for SCCL.

5. It is not in dispute that structures of the petitioners in both the said villages along with the land thereon were notified for acquisition by the then State Government under the Land Acquisition Act, 1894 between 2007 and 2012 and awards had been passed paying compensation for the land and structures to the owners thereof.

G.O.Ms.No.68 dt.08-04-2005:

6. Even by that date G.O.Ms.No.68 Irrigation & CAD (Project Wing-LA-IV-R & R) Department dt.08-04-2005 issued by the then Government of Andhra Pradesh was in force.

7. The said G.O. recognized that compulsory acquisition of land for implementation of development and infrastructure projects

displaces people from their homes, land and/or their means of livelihood, that such displacement has other psychological, social and cultural consequences, and the need to minimize large scale displacement to the extent possible. Where displacement is inevitable, it recognized the need to address the issue of displacement with *utmost care, human touch and forethought particularly in respect of tribal, small and marginal farmers.*

8. It contemplated under clause 4.0, the appointment of an Administrator and Commissioner for Resettlement and Rehabilitation and set out their powers and functions.

9. Chapter V dealt with schemes/plans for resettlement and rehabilitation and clause 5.0 laid down the procedure to be followed for declaration of Affected Zone, carrying out Survey and Census of Project Affected Families, Assessment of Government Land available and land to be acquired for the purpose of resettlement and rehabilitation (for short 'R&R'), preparation of draft scheme/plan for R&R and its final publication. Clause 5.5 directed that survey should be done *within maximum period of 90 days from the date of declaration of an Affected Zone*; thereafter the Administrator should publish a draft in the Gram Panchayat concerned the details of the findings of the survey conducted by him for inviting objections and suggestions from all persons likely to be affected thereby (clause 5.6); on the expiry of 30 days from the date of the publication of the draft of the details of the survey and after considering the objections and

suggestions received, the Administrator is required to submit the final details of survey with his recommendations to the District Collector for approval; and thereafter the District Collector should obtain necessary funds from the relevant Head of Accounts from the Commissioner, Resettlement and Rehabilitation, Andhra Pradesh (clause 5.7); within 45 days from the date of receipt of recommendations of the Administrator, the District Administration should publish the final details of survey in the District Gazette and place a copy of the publication in the concerned Gram Panchayat (clause 5.8); the Administrator is required to ensure that Project Displace Families, as far as possible, are settled preferably in group or groups and such *sites should form a part of existing Gram Panchayat*; and take care to see that such resettlement with the host community is *on the basis of equality and mutual understanding, consistent with desire of each group to preserve its own identity and culture* (clause 5.9).

10. The Administrator is required by clause 5.10 to draw up a list of lands, which may be available in any existing Gram Panchayat or neighbouring Gram Panchayat for resettlement of Project Displaced Families. The lands drawn up under para-5.10 shall consist of (a) Government waste lands or any other land vesting in the Government available for Resettlement of Project Displaced Families and (b) if such Government land is not sufficiently available, to acquire land for R&R (clause 5.11).

11. Clause 5.14 directs the Administrator to prepare draft scheme/plan for R&R of Project Displaced Families and Project Affected Families *in consultation with their representatives including women, Chair Persons of elected Panchayat Raj Institutions within which the project area is situated* and there must be discussion of the draft scheme *in Gram Sabhas in rural areas and in public hearings*. Clause 5.16 makes it the responsibility of the requiring body to provide sufficient funds to the Administrator for proper implementation of R&R scheme of Project Affected Families. Clause 5.18 deals with the contents of the draft scheme and clause 5.20 directs publication of final R&R scheme by the District Administration after its approval is obtained in the village/locality concerned including the District Gazette so that there is *wide publicity*.

12. Chapter VI sets out R&R benefits for Project Affected Families and Project Displaced Families and states that those Project Displaced Families holding up to Ac.0.05 cts of village site, which was acquired, are entitled to be allotted house site of extent 202 sq.m. of land in rural areas or 75 sq. m. of land in urban areas in the Resettlement Zone *besides payment of compensation for the structures, if any therein* (clause 6.2 (a)).

13. Clause 6.2 (ai) states that if a Project Displaced Family *desires to migrate and settle at the place of his/her choice*, cash compensation in lieu of house site as applicable in the Resettlement

Zone shall be paid besides payment of compensation for the structures, and in case such family belongs to Below Poverty Line category, it states that they are entitled to be given one time financial assistance for house construction including cost of sanitary latrine as fixed by the Government. Clause 6.3 states that each Project Displaced Family of BPL category, who has been allotted a free house site under clause 6.2, is also entitled to one time financial assistance of Rs.50,000/- and a further sum of Rs.8,000/- as additional housing grant is also to be given.

14. Clause 6.2 (c) states that compensation payable under clause 6.2 shall be on par with the package deal in case of acquisition of private/patta lands.

15. Clause 6.4 deals with Government land for Project Affected Families who become small or marginal farmers or landless after acquisition. It directs that such persons if allotted waste/degraded or agricultural Government land within the district in lieu of acquired land, shall also get financial assistance of Rs.10,000/- per hectare for land development and in case of allotment of agricultural land, Rs.5,000/- per Project Affected Family and such allotment of Government land will be restricted to an extent of land acquired from the Project Affected Family or 2.5 hectares of dry or 1.25 hectares of wet land, whichever is lesser. But no compensation/exgratia would be paid in such cases.

16. Clause 6.7 provides for a grant for cattle shed and clause 6.8 provides for grant for transporting materials as a one time financial assistance to Project Affected Families. Clause 6.9 deals with grant of one time financial assistance to Project Affected Family comprising of rural artisan/small trader/self employed person for construction of working shed/shop and also training for development of entrepreneurship, technical and professional skills for self employment.

17. Clause 6.10 is an important benefit conferred on Project Affected Families and entitles such families owning agricultural land in the affected zone and whose entire land has been acquired to get *one time financial assistance equivalent to 750 days minimum agricultural wages for loss of livelihood if no land is allotted in lieu of acquired land.*

18. Clause 6.11 provides for payment of *500 days minimum agriculture wages to marginal farmers*, clause 6.12 provides for *375 days minimum agricultural wages to small farmers*, if no land is allotted in lieu of acquired land and clause 6.13 provides for *625 days minimum agricultural wages to labourers.*

19. Clause 6.14 provides for grant of subsistence allowance equivalent to *240 days of minimum agricultural wages to each Project Affected Family which is also a Project Displaced Family in addition*

to any other benefit available to him as Project Affected Family; and to each vulnerable person @Rs.500/- a month as pension.

20. Clause 6.15 even provides for making available *transit accommodation pending R&R scheme in case there is an emergent situation such as under Section 17 of the Land Acquisition Act, 1894 to each Project Affected Family.*

21. Chapter VII deals with Dispute Redressal Mechanism by constituting an R&R Committee at project level (clause 7.1), a Grievance Redressal Cell (clause 7.2) and an Ombudsman (clause 7.5).

22. These are some of the salient features of the Government's R&R policy notified in G.O.Ms.No.68 dt.08-04-2005.

G.O.Ms.No.22 Energy (PR.IV) Department dt.24-02-2007

23. The State Government issued G.O.Ms.No.22 Energy (PR.IV) Department dt.24-02-2007 specifically making applicable G.O.Ms.No.68 Irrigation and CAD (PW) Department dt.08-04-2005 to Peddampet and Mangalpally villages of Kamanpur Mandal, Karimnagar District for various projects of SCCL for which lands were being acquired and specifically notified under para-5.1, Chapter V of G.O.Ms.No.68 stating that the said villages/localities are likely to be affected fully or partially for the named projects of SCCL.

THE GOVERNMENT OF INDIA PROCEEDINGS dt.31-07-2008

24. More importantly the Government of India, Ministry of Environment and Forests vide proceedings No.J-11015/267/2007-IA.II (M) dt.31-07-2008 instructed the SCCL while granting environmental clearance for its projects in Kamanpur Mandal of Karimnagar District as under:

“(xxii) R&R for two villages, namely Mangalpally (521), and Peddampet (403) involving 924 Project Affected Families, shall not be less than that given in the National R&R Policy and the RR package and shall implement the R&R measures including specifically for the BPL and SC/ST Communities within the shortest time frame.”

The State Government and the SCCL hardly did anything for rehabilitation and resettlement of the Project Displaced and Project Affected Persons as per G.O.Ms.No.68 dt.08.04.2005

25. It is distressing to note that all the respondents abdicated their responsibility under G.O.Ms.no.68 to provide rehabilitation and resettlement to the Project Displace and Project Affected Persons and their families from 2007 till date.

26. On 14-08-2015 in Rc.No.B/1301/2015 dt.14-08-2015, the Revenue Divisional Officer, Manthani informed one of the Project Affected Persons under the Right to Information Act, 2005, that *at project level no committee for rehabilitation or resettlement has been established for affected persons of Mangalpally and Peddampet villages whose property was acquired for SCCL.*

27. Vide proceedings No.B/SES/48/2013 dt.15-12-2015, the Revenue Divisional Officer, Manthani on the instructions of the Collector, Karimnagar, for re-enquiry of the socio economic survey of Peddampet (Abadi) and Mangalpally constituted teams to report to the concerned Tahsildars and obtain the list of petitions submitted by the concerned villages. On the pretext of villagers obstructed when the teams visited Mangalpally village for resurvey on the objections filed and stating that survey could not be conducted, the Revenue Divisional Officer, Manthani issued proceedings dt.04-02-2016 again forming teams for resurvey.

28. A public notice was directed to be issued by the Revenue Divisional Officer, Manthani, vide letter No.B/544/2013 dt.25-06-2016 inviting objections from the residents of Peddampet Abadi village to the publication No.39 made in the office of the Gram Panchayat, Peddampet Abadi of the R&R scheme approved by the Collector and inviting objections thereto.

29. After that nothing had happened.

30. None of the benefits under R&R Policy notified in G.O.Ms.No.68 dt.08.04.2005 has been given to any of the petitioners, and no Grievance Redressal Mechanism as set out in the GO has been constituted at all by the respondents.

31. There is no counter affidavit filed by the State Government in any of the Writ Petitions except in W.P.No.3564 of 2017, though the SCCL has filed counter affidavits.

THE STAND OF THE STATE GOVERNMENT

32. It is admitted in the counter affidavit filed by the Revenue Divisional Officer, Manthani in W.P.No.3564 of 2017, which is adopted by the Additional Advocate General in all the W.Ps., that Ac.62.27 gts of land with structures was acquired by the State Government at Peddampet and Mangalpally, h/o.Jallaram village for depillaring of GDK6B (IGM) incline project and Notification under Section 4 (1) of the Land Acquisition Act, 1894 was published on 23-04-2007 in the Gazette and Draft Declaration under Section 6 of the Act was published on 22-04-2008. It is stated that award was passed on 24-04-2010 and compensation was paid to the awardees; that possession of the land was handed over to the SCCL on 15-02-2016; and that *rehabilitation and resettlement is in process and pending for completion for various reasons set out as under:*

“That, the available following Government lands were shown to the villagers for allotment of R&R plots for which they did not agree and they requested to provide R & R plots in Patta land beside the main roads, as such identification of suitable Government lands for shifting the villagers has been delayed.

“a) Government land in Sabbitham village, Peddapalli Mandal was shown to the villagers on 14-02-2011 and 15-02-2011. The lands

were inspected by the Sarpanch and villagers, but they did not give consent and demanded to allot plots near Peddapalli-Manthani PWD road.

b) Government land in Jallipalli village (near RG-III area) was shown to the villagers on 14-02-2011 and 15-02-2011. The lands were inspected by the Sarpanch and villagers, but they did not give consent and demand to allot plots near Peddapalli-Manthani PWD road.

c) The Government lands in Kannala village Kamanpur Mandal was shown but it was refused due to limited extent and they demanded that the PDFs of four hamlets are to be given R&R site at one place.

d) The Government land about Ac.150.00 gts in Lonkakesaram and Medipalli villages was identified and the villagers of Peddampet, Mangalpalli refused to see the land stating that it is Hillock area and they demanded only the lands situated at ½ kms distance from the main road.”

33. It is stated that the Government has appointed the Joint Collector as Project Administrator and Revenue Divisional Officer, Manthani as R&R Officer for conducting socio economic survey and to provide R&R benefits including R&R plots to the Project Displaced Persons Families of the above village.

34. No explanation is furnished why the clear cut procedure for R&R under G.O.Ms.No.68 dt.08-04-2005 has been abandoned.

35. I also find it strange that the State indirectly blames the Project displaced persons and the Project affected persons for its failure to carry forward the R&R.

36. It contends that certain persons demanded that
(a) the cut-off date for attaining the age of 18 years as on 01.01.2015

has to be considered; (b) to remove NR mentioned in the R&R benefits lists; (c) to give R&R package to every retired S.C.C.L. employees; and (d) to include the families in R&R package who do not have Project numbers. When the State failed for a period of more than 11 years to do R&R, these problems would naturally crop up, but it cannot continue to procrastinate doing nothing to resolve these issues.

37. It is stated that 599 petitions received under R&R package relate to Peddampeta Village and 502 petitions received under the package pertained to Mangalpalli Village; that the petitions were got enquired into in the village, and after finalizing the same the eligible persons' names *will be* recommended to the Collector, Peddapalli for sanction of R&R package. No time limit for completing this process is indicated in the Counter affidavit.

38. The S.C.C.L. filed counter-affidavits reiterating what has been said by the Revenue Divisional Officer. But, in its counter in WP.No.36049 of 2017, it referred to Land Acquisition in 2010 and 2012 and not to the land acquisition in 2007. It referred to Environmental clearance granted by the Union of India on 11.05.2015 which has nothing to do with the petitioners. The S.C.C.L. also blames the oustees and states that R&R had been delayed from time to time due to non-selection of rehabilitation site by the villagers.

39. According to it, 115 Project displaced persons of Peddampet (Patta) and 114 Project displaced persons of Peddampet (Abadi) submitted willingness applications to receive R&R benefits, but no details were furnished along with the counter-affidavits. The figures given do not correspond to those contained in the Counter affidavit of the Revenue Divisional Officer referred to above and are substantially less. It is also stated that some Project Displaced Families demanded for cash grant in lieu of R&R house or house plot, that they gave written consent for the same and they are voluntarily receiving the said amounts. No details of any of these individuals have been furnished by the S.C.C.L. either. Such a choice by the Project Displaced Families to take cash compensation in lieu of plots is envisaged by Clause 6.2(a1) of the G.O.Ms.No.68 itself and no exception can be taken for it. But there ought to be a specific exercise of option by the Project Displaced Families under the said clause by each of them. In the absence of such exercise of option, the state cannot compel them to take whatever it wants to give. The spirit and letter of the R&R policy in G.O.M.s No.68 dt.4.8.2005 need to be scrupulously followed.

40. In its counter in WP.No.24233 of 2015, the S.C.C.L. refers to Gazette publications made by R&R administrator on 23.05.2016, 17.06.2016, 10.06.2016 and 22.06.2016 and states that the final social economic survey data and monetary benefits payable

would be done to the Project Displaced Families and Project Affected families as per G.O.No.68 after hearing objections of all villagers.

41. It also refers to involvement of the Member of the Legislative Assembly of Manthani Constituency for payment of Rs.30,000/- to each Project displaced person due to the delay in implementation of R&R and increase in number of eligible days of Minimum Agricultural Wages and also rates of wages, and it is stated that payment of the said sum, increase in eligible days to 750 and rates of wages to Rs.186/- per day was agreed, apart from Rs.3,25,000/- to be given in lieu of developed house site.

42. It is stated that so far 800 Project displaced families had given consent letters and 218 have been paid the amounts. No details of the individuals who have accepted the above terms are given. It is however admitted that there are 2135 Project displaced families in the area acquired.

43. Thus, between 2007 and to-day in 2018, i.e., for almost 11 years, apparently no serious effort to resettle and rehabilitate the Project displaced persons and Project affected persons has been done. The whole aspect of R&R was dealt with by the respondents without any sense of urgency or seriousness in a totally casual manner causing much trauma and hardship to the petitioners and other displaced and affected persons. This delay appears to have compelled some of the displaced and affected persons to take what they can get and move on.

How a State Government and its Corporation can be so callous to the citizens of the State and display such lack sensitivity to the plight of the affected persons is shocking to the conscience of the Court. It is indeed very disturbing to see such apathy by the State to its citizens.

THE LEGAL POSITION ON THE RIGHT TO R&R OF PROJECT DISPLACED AND PROJECT AFFECTED PERSONS

44. In **State of M.P. Vs. Narmada Bachao Andolan and another¹**, the Supreme Court declared that for people whose lives and livelihoods are intrinsically connected to the land, the economic and cultural shift to a market economy can be traumatic; that though the plea of deprivation of right to livelihood under Article 21 of the Constitution in the case of land acquisition is unsustainable, still they are entitled to resettlement and rehabilitation as per the policy framed for the oustees of the project; mere payment of compensation would not be enough in case the oustee is unable to purchase the land with the compensation received by him; that in the process of development, the State cannot be permitted to displace tribal people, a vulnerable section of society, suffering from poverty and ignorance, without taking appropriate remedial measures of rehabilitation; that 'rehabilitation', is restoration of status of something loss, displaced or even otherwise a grant to secure a dignified mode of life to a person who has nothing to sustain himself and is different from 'compensation'; that *this concept brings within its fold the presence of elements of Article 21 of the Constitution of India*; and those who have

¹ (2011) 7 S.C.C. 639

been rendered destitute, have to be assured a permanent source of basic livelihood to sustain themselves. It clarified that rehabilitation has to be done to the extent of displacement that it is compensatory in nature with a view to ensure that the oustee and his family are at least restored to the status that was existing on the date of commencement of the proceedings under the Land Acquisition Act, 1894.

45. After the above legal position was pointed out by the Court to the Additional Advocate-General and to the Standing Counsel for S.C.C.L. and the Court expressed its anguish at the manner in which R&R as per G.O.Ms.No.68, dt.08.04.2005 was ignored, an additional affidavit was filed by the same Revenue Divisional Officer who had earlier filed counter-affidavit in WP.No.3564 of 2017.

Additional Counter-Affidavit of the State :

46. In this additional affidavit, it is admitted that the Grievance Redressal Cell contemplated under Clause 7.2 of G.O.Ms.No.68 dt.08.04.2005 was not functional; and there is no proceeding to show that a Project-Level monitoring Committee was ever constituted. It is stated that R&R Committee was constituted on 23.01.2014 and that earlier statement issued under the R.T.I. Act,2005 by the R.D.O. on 14.08.2015 that there was no R&R Committee constituted was made without actually verifying the record. Even if

true, nothing much appears to have been achieved by the R&R Committee.

47. It is however stated that under the Right to Fair Compensation, Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013, a Commissioner for Rehabilitation and Resettlement was appointed and under his Chairmanship, the R&R Committee has become functional.

48. Though Counsel for petitioners contended that petitioners are entitled to R&R benefits under the Right to fair Compensation, Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013, this is opposed by the respondents on the ground that provisions of the said Act would not apply since the Act has no retrospective operation as the lands were acquired much prior to it's coming into force. I agree with the said contention.

49. It is stated by the RDO that only a few are insisting for allotment of house plots in lieu of monetary benefits and a majority are willing to take monetary compensation of Rs.5,97,140/-. The following table is given mentioning the number of structures still under occupation of the Project Displaced Families and those who received payments :

Sl.No.	Name of the village	Number of structures	No. of houses Vacated	No. of PDFs	Payment made
1.	Mangalpalli	586	400	952	580
2.	Peddampet Patta	416	24	637	291
3.	Peddampet	188	62	271	162

	Abadi				
4.	Peddampet S.C. Colony	212	70	275	107
	Total	1402	556	2135	1140

50. This table also shows that substantial number of persons have not yet received R&R.

51. In the additional counter-affidavit, it is stated that there is an extent of Acs.283.09 guntas at Bittupally Village near Manthani Mandal at a distance of 24 kms. from Peddampet and Mangalpally Villages and R&R house-sites are proposed at the said site which is also about 4 kms from Manthani Mandal Division and that only at that place it is possible to provide house site plots and nowhere else.

52. The Additional Advocate-General stated that if petitioners come forward, under the guidance of the Commissioner for Rehabilitation and Resettlement, constituted under Act 30 of 2013, the Joint Collector at Peddapally will take up individual cases for allotment of house-sites, payment of minimum agricultural wages and other benefits payable under G.O.Ms.No.68 dt.08.04.2005 and would complete the whole process in three months.

53. The counsel for the petitioners submitted that the said Bittupally Village is not at all suitable for R&R house-sites since it is a rocky area and the petitioners may be permitted to give a list of Government lands to the Joint Collector, Peddapalli to consider for providing house-sites under G.O.Ms.No.68 to the Project Displaced persons / Project Affected persons and that the said Officer be

directed to consider the same. They also pointed out that as far as possible R&R ought to be done in any existing Gram Panchayat or neighboring Gram Panchayat as per Clause 5.9 and the State cannot compel the Project Displaced Families to accept house-sites far away from where they were staying.

54. On 30.07.2018, a list of such locations was filed vide Memo USR 53260/2018 in W.P.No.24233 of 2015 in the Court after service on the Office of the Additional Advocate General. It states:

“The alternative sites within 10 to 15 kms with survey numbers village maps are being produced herewith.

Mulakapally village, Kamanpur Mandal has Ac.106.29 gts of Government land in Sy. No.58. Lingala village has Ac.215.25 gts in Sy. No.102. Penchikalapet village has Ac.130.28 gts of Government land in Sy. No.81.

In fact Lingala village was proposed for resettlement as per the proceedings by office of the Revenue Divisional Office, Manthani in 2016. The details along with the village maps of Mulakalapally, Lingala, Penchikalapet and that of land adjacent to reserve forest at Bitchpally are being submitted herewith.”

55. If such Government land is available, there is no reason why the respondents cannot consider the same for allotment of alternative plots under G.O.Ms.No.68 dt.08.04.2005 to the Project Displaced and Project Affected Families. I am therefore of the opinion that, in the interests of justice, the Joint Collector, Peddapalli can also consider the above locations pointed out by the petitioners in their Memo, which are extracted hereunder, as also possible places for

allotting R&R house-sites to the petitioners within two (02) weeks from the date of receipt of copy of this order.

56. As regards payment of Minimum Agricultural Wages, the petitioners sought to contend that minimum wages as per 2008 rates of Rs.175 to 186 per day were being offered today instead of Revised Standard Rate Wages prepared by Chief Engineer, Irrigation which are at Rs.475/- per day for 2015-16. Reliance is placed by the petitioners on the Common Schedule of Rates as per T.S. Revised Standard Data for the Year 2015-16, prepared by the Board of Chief Engineers mentioning Labour Rates for various skilled, semi-skilled workers.

57. However, the Additional Advocate-General contended that the Rates prevalent as on the date of displacement alone will be taken into consideration for all purposes as per a Memo No.12655/L.A.IV-R&R-I/08-2 dt.08.08.2008 issued by the Irrigation Department of the State of Andhra Pradesh.

58. Having failed to provide Minimum Agricultural Wages immediately after the project was commenced in 2007 and not having done so till date, it would be a travesty of justice for the State to insist on paying 2007/2008 wages instead of the rates prevalent as on date to the Project Affected Families who would become landless or marginal farmers or small farmers or to the labourers under Clauses 6.10 to 6.13 of G.O.Ms.No.68 dt.08.04.2005. Admittedly, even subsistence

allowance to the displaced families as per Clause 6.14 of the R&R Scheme in the said G.O. has not been paid till date. The package offered today on basis of prevailing wages in 2007/2008 would not be adequate compensation due to the inflation and depreciation in the Rupee value in last 11 years.

59. Therefore, I reject the stand of the State Government and direct that the Minimum Agricultural Wages for each of the above categories of persons calculated as per the latest Common Schedule of Rates as per T.S. Revised Standard Data, prepared by the Board of Chief Engineers mentioning Labour Rates for various skilled, semi-skilled workers or the latest notification under the Minimum Wages Act,1948, whichever is higher, be paid under clauses 6.10 to 6.14 of G.O.Ms.No.68 dt.08-04-2005 by the respondents within four (04) weeks from the date of receipt of copy of the order.

60. All the petitioners/other eligible persons are directed to file claims before the Joint Collector, Peddapalli regarding their entitlements under G.O.Ms.No.68 dt.08.04.2005 within four (04) weeks from the date of receipt of copy of the order; they shall be considered within three (03) months of such filing by the said Officer; all individual/group grievances, claims and counter-claims as to eligibility, including issues as to what should be the date for reckoning of eligibility and whether daughter's claims are to be taken into account etc. shall be gone into and decided by the Joint Collector,

Peddapalli, under the guidance of the Commissioner for Rehabilitation and Resettlement constituted under Act 30 of 2013.

61. As an interim measure in view of the delay in implementation of R&R, each eligible Project Displaced Family and Project Affected Family in these two villages shall be paid Rs.30,000/- each which shall not be taken into account by the Joint Collector, Peddapalli in computing the monetary benefits payable to them and which shall be in addition to such monetary benefits.

62. It is also the contention of the petitioners that most of them are still living in their habitations in the said villages and that they have not been dispossessed, but blasting operations are being carried on by S.C.C.L. near their habitations thereby endangering their lives and their family members.

63. For the duration for which the R&R process as set above is under implementation, it is directed that no blasting work shall be done within 250 meters from the habitations in occupation of the petitioners in order to ensure that there is no danger to their lives or to the lives of their family members.

64. The Writ Petitions are accordingly disposed of as under :

- (a) Joint Collector, Peddapalli also consider the locations pointed out by the petitioners in their Memo set out above in para-52 for allotting R&R house-sites to the

petitioners within two (02) weeks from the date of receipt of copy of this order;

- (b) Minimum Agricultural Wages for each of the above categories of persons as per the latest Common Schedule of Rates as per T.S. Revised Standard Data, prepared by the Board of Chief Engineers mentioning Labour Rates for various skilled, semi-skilled workers, or the latest notification under the Minimum Wages Act, 1948, whichever, is higher, be paid by the respondents under clauses 6.10 to 6.14 of G.O.Ms.no.68 dt.08-04-2005 within four (04) weeks from the date of receipt of copy of the order. This amount shall be made available by SCCL to the Joint Collector, Peddapalli for disbursement to eligible persons.
- (c) All the petitioners/other eligible persons are directed to file claims before the Joint Collector, Peddapalli regarding their entitlements under G.O.Ms.No.68 dt.08.04.2005 within four (04) weeks from the date of receipt of copy of the order; they shall be considered within three (03) months of such filing by the said Officer; all individual/group grievances, claims and counter-claims as to eligibility, including issues as to what should be the date for reckoning of eligibility and whether daughter's claims are to be taken into account

etc. shall be gone into and decided by the Joint Collector, Peddapalli, under the guidance of the Commissioner for Rehabilitation and Resettlement constituted under Act 30 of 2013. The said Commissioner shall supervise and guide the Joint Collector, Peddapalli and ensure that all the eligible Project Displaced Families and Project Affected Families get all the benefits under the said G.O. The S.C.C.L. shall co-operate with the Joint Collector, Peddapalli and the Commissioner for Rehabilitation and Resettlement in all respects and ensure smooth implementation of the said G.O.

- (d) As an interim measure in view of the delay in implementation of R&R, each eligible Project Displaced Family and Project Affected Family in these two villages shall be paid Rs.30,000/- each within four weeks from today which shall not be taken into account by the Joint Collector, Peddapalli in computing the monetary benefits payable to them and which shall be in addition to such monetary benefits. This amount shall be made available by SCCL to the Joint Collector, Peddapalli for disbursement to eligible persons.

- (e) For the duration for which the R&R process as set above is under implementation, it is directed that no blasting work shall be done within 250 meters from the

habitations in occupation of the petitioners in order to ensure that there is no danger to their lives or to the lives of their family members and drinking water and electricity amenities shall continue to be provided for the said habitations till the petitioners vacate the same on the implementation of the R&R process.

65. This Court earnestly hopes that the above directions be carried out by the Joint Collector, Peddapalli under the guidance of the Commissioner for Resettlement and Rehabilitation, State of Telangana, Hyderabad with the co-operation of the S.C.C.L. with the desired compassion, consideration and expedition.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-08-2018

Note:-

Copy of this order be communicated to:

1.The Commissioner, Resettlement and Rehabilitation, Jai Bhavan, 7th Floor, Buddha, Mahatma Gandhi Road, Ranigunj, Secunderabad.

2. The Joint Collector, Peddapalli.
B/o.
kvr/ndr