

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37002 OF 2018

Date:22.11.2018

Between:

K.G. Anjineyalu, S/o. K.S. Govindhya,
Aged about 55 years, Rallapalli Village,
Gudibanda Mandal, Ananatapuram
District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
(Land Acquisition), Secretariat Buildings,
Amaravathi, Guntur District and others

.. Respondents



This Court passed the following order:

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ORDER:

Heard.

2. Petitioners claim to be small farmers and are in possession and enjoyment of small extents of land. They are eking out their livelihood by cultivation and raising various crops. They are aggrieved by the orders issued by the G.O.Rt.No.465, Water Resources (Projects III) Department, dated 02.07.2018, granting administrative approval for the work of HNSS Project – Phase – II – Conducting Surveying & Levelling Operations for Formation of Reservoir near Rallapalli Village of Gudibanda Mandal of Anantapuramu District, for an amount of Rs.27,08,000/-.

3. Learned counsel for the petitioners allege that in the guise of conducting survey, the respondents are also undertaking levelling of the land and the same is not permissible.

4. Petitioners have been objecting for conducting survey and levelling operations. Their grievance is that if a reservoir is established, it would dislocate the small and marginal farmers, who are in occupation and are eking out their livelihood by cultivation.

5. In the counter affidavit filed on behalf of respondent No.8, it is averred that there was a proposal to construct a reservoir with +715 Mts. contour as FRL contour of the reservoir to avoid submergence of HNSS Canal by providing an off take point at 164.00 KM of Madakasira Branch canal and its approximate storage capacity will be 0.4 TMC. It is further averred that submergence will be around Acs.200.00 and the ayacut is Acs.250.00 and by

construction of the reservoir, some part of Madigubba, H/o. Rallapalli Village will be submerged. It appears from a reading of the counter affidavit that so far no requisition is made by the Irrigation Department to undertake development of the proposed reservoir. It is categorically asserted in the counter affidavit, particularly at paragraph No.8, that no farmer would be dispossessed from his land without following due process.

6. Learned Assistant Government Pleader for Irrigation Department also informs the Court, on instructions, that due process would be followed before displacing the farmers.

7. At this stage, learned counsel for the petitioners points out by referring to the orders in G.O.Rt.No.465, dated 02.07.2018, that in the guise of conducting survey, the respondents are also undertaking levelling of the land and in such an event, the present state of the land including the grown up trees and crop on the subject land would be adversely affected.

8. Having regard to the same, if the respondent authorities are inclined to conduct survey to identify the lands, which would be affected, they shall not undertake levelling operations including damaging of the existing crops or grown up trees until and unless compensation in accordance with law is paid to the land owners. It is made clear that the petitioners shall not be dispossessed from their lands without following due process as required in law.

9. The Writ Petition is accordingly disposed of. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:22.11.2018
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