

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5338 of 2019

ORDER:

This writ petition is filed seeking to declare the action of the respondents in taking possession of the lands of the petitioners situated at Laxmapur Village under Etigadda Kistapur Revenue Village, Toguta Mandal, Siddipet District, without paying rehabilitation entitlements as per the Act and the Rules in force and also the action of the respondents in not considering their representations, as illegal and arbitrary.

2. The grievance of the petitioners is that the authorities of the respondents are trying to take possession of their agricultural lands and residential houses for the purpose of Mallanna Sagar Project without complying with the mandate of Section 38 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) by paying compensation and providing rehabilitation and resettlement entitlements to them.

3. Learned counsel for the petitioners has relied upon the interim order passed by this Court in terms of Section 38 of the Act 30 of 2013 in I.A.No.1 of 2018 in W.P.No.17222 of 2018 dated 06.06.2018.

4. On the other hand, learned Special Government Pleader appearing on behalf of the Additional Advocate General submits that

the order relied upon by the petitioners was set aside by the Division Bench of this Court in a Writ Appeal filed by the State and further steps have already been taken by the Government for providing rehabilitation and resettlement entitlements to the land losers and for payment of monetary benefits as mandated under Section 38 of the Act 30 of 2013 before taking possession. Insofar as providing non-monetary benefits are concerned, learned Government Pleader submits that the Act itself provides a timeframe of 18 months from the date of the award. He further submits that for providing house sites, land has already been acquired and provisional pattas were also issued and that the Government has also introduced a scheme for construction of double bed room houses or in the alternative, if the beneficiaries have not availed the scheme, they will be paid monetary compensation of Rs.5 lakhs. He further submits that stoppage of taking possession of lands would result in the entire project being derailed, which was introduced for public interest.

5. Having regard to the respective submissions, this Court is required to keep balance between the land-loosers and the respondent authorities, for the land is acquired for the purpose of irrigation project, particularly, providing water for cultivation, which is an enormous task and which needs to proceed on time schedule, that too during summer. If monsoon season starts, no work can be undertaken with respect to the project, which would cause delay and cascading effect. However, Section 38 of the Act 30 of 2013 provides a time frame for payment of monetary benefits and providing infrastructure facilities.

6. Since the respondents are ready to provide monetary benefits and also considering the time frame provided under Section 38 of the Act 30 of 2013, I deem it appropriate to direct the respondents not to take possession of the lands of the petitioners without paying monetary compensation as mandated under Section 38(1) of the Act. So far as other benefits are concerned, the respondents shall file an undertaking before this Court specifying the timeframe to complete rehabilitation and resettlement entitlements to the project ousters. It is needless to mention that the payment of compensation and other benefits shall be subject to the entitlement of respective parties.

7. With the above directions, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

CHALLA KODANDA RAM, J

15th March, 2019

sj