

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

&

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WP No.7511 of 2019

ORDER::

This writ petition seeks to issue a writ of mandamus declaring the notification dated 15-03-2019 in File No.G1/521/2018 and G1/250/2019 issued by the 2nd respondent under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short, "the Act") in seeking to acquire the agricultural lands of the petitioners in question of various extents situate in revenue village Sangapur, Gajwel mandal, Siddipet district, in contravention and deviation of Sections 4 to 6 of Chapter-II and Section 10 of Chapter-III of the Act and without following the due process of law; as being arbitrary, illegal and violative of the fundamental rights of the petitioners and for issuance of appropriate consequential directions to meet the ends of justice.

02. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the learned Additional Advocate General.

03. The case of the petitioners is that they are the landholders of small extents of lands in question, eking out their livelihood by doing agriculture in their lands. That the 2nd respondent issued the impugned notification proposing to acquire the lands in question for the purpose of

construction of R & R colony to the land losers of submerged villages in Mallanna Sagar Reservoir under Kaleshwaram project and to provide rehabilitation under the provisions of the Act. That in earlier acquisition, the lands belonging to the petitioners in the same village were acquired for the same project, after such acquisition, the petitioners are left with small extents of lands in question which is the only livelihood for them. That the impugned notification does not comply with Sections 32, 38 and 105 (3) of the Act wherein infrastructural facilities and amenities have to be provided for resettlement of the new village or colony as contemplated in Schedule-III of the Act. That the procedure contemplated under Chapter-VI are completely ignored and there is no report of the Commissioner for rehabilitation and resettlement of the persons affected for whose interest the notification under Section 11 (1) of the Act is issued. Hence this writ petition.

04. Counter affidavit is filed by the 4th respondent-Tahsildar on his behalf and also on behalf of respondents 1, 2 and 3, wherein *inter-alia* it is stated that in Siddipet district several irrigation projects such as Anathagiri reservoir, Ranganayakasagar reservoir, Mallannasagar reservoir are being constructed under Kaleshwaram project, for which 09 revenue villages, 10 habitations and 14 gram panchayats are getting submerged. To meet the requirements in that behalf, lands approximately Ac.600-00 are required to accommodate the land losers of submerged villages for R&R package. As of now, the Government has acquired Ac.428-07 guntas of land and further approximately Ac.170-00

acres of land would be required. As part of that requirement, the impugned preliminary notification has been issued, which includes the lands of the petitioners. But, as per the observation of this Court, efforts are being made to identify alternate suitable Government lands and such an exercise is underway and till a concrete decision is taken in the matter, the patta lands of the petitioners will not be disturbed.

05. Recording the above averments in the counter affidavit, the writ petition is disposed off granting liberty to petitioner to challenge the impugned notification in this writ petition in case respondents want to pursue the acquisition under the impugned notification.

A.RAJASHEKER REDDY, J

P. NAVEEN RAO, J

Dated:01-11-2019
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