

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

AND

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.7510 AND 7513 OF 2019

COMMON ORDER: {Per the Hon'ble Sri Justice A.Rajasheker Reddy}

These two Writ Petitions are filed with the following prayer:-

“...to issue any writ, order or direction more particularly one in the nature of writ of mandamus by declaring the notification is dt. 15.03.2019 in File No.G1/521/2018 and G1/250/2019 issued by the respondent authorities without following the due procedures contemplated under Sections 4, 10 and Rule 19, 32 of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the lands of the petitioners to an extent of Acs.3.30 gts in Survey No.79/AA and to an extent of Ac.0.39 gts in Survey no.77/AA of the 1st petitioner and to an extent of Ac.0.3950 gts in Survey No.83/AA and to an extent of Ac.0.38 gts in Survey No.84/A/1 and to an extent of Ac.0.0950 gts in Survey No.85/3 and to an extent of Ac.0.050 gts in Survey No.86/AA1 of the 2nd petitioner and to an extent of Ac.0.0825 gts in Survey No.83/A/3 and to an extent of Ac.0.0150 gts in Survey No.86/AA2/1 of 3rd petitioner of Revenue Village Sangapur, Gajwel Mandal, Siddipet District in W.P.No.7510 of 2019 and Ac.0.19 gts in Survey No.85/1 of the 1st petitioner and to an extent of Ac.0.0850 gts in Survey No.83/A/1 and Ac.0.0125 gts in Survey No.86/A/2/3 of the 2nd petitioner and to an extent of Ac.0.1200 gts in Survey No.82 and to an extent of Ac.0.0825 gts in Survey No.83/A/2 and to an extent of Ac.0.0125 gts in Survey No.86/AA/2 of 3rd petitioner of Revenue Village Sangapur, Gajwel Mandal, Siddipet District in W.P.No.7513 of 2019, as illegal, arbitrary, unconstitutional and also against the principles of natural justice and an act of colorable exercise of powers and consequentially set aside the notification is dt.15.03.2019 in File No.G1/521/2018 and G1/250/2019 issued by the Respondent authorities by declaring the same as illegal,

arbitrary, unconstitutional and also against the principles of natural justice and an act of colorable exercise of powers and pass such other order or orders may deem fit and proper in the circumstances of the case, in the interest of justice.”

The Tahsildar, Gajwel Mandal, Siddipet District-fourth respondent filed counter affidavit, wherein it is stated as under:-

“It is respectfully submitted that in Siddipet District several irrigation projects such as Ananthagiri 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 covering nearly (6000) PDF's in submerged villages. As a part of R&R activity, Government land in Survey Nos.68, 78 & 80 of Sangapur Village, 279, 326 & 331 of Mutrajpally Village and 560/1 of Gajwel Village & Mandal have been identified and acquired the land to an extent of Acs.428.07 gts so far and ex-gratia paid to the land losers and the constructions work is under active progress.

It is respectfully submitted that, according to present circumstances, there is a need to acquire approximately 600 acres to accommodate land losers of submerged villages for R&R Package. As on, the Government has acquired Acs.428.07 gts acres of Government land and further approximately 170 acres land is required. In this connection, Preliminary Notifications has issued, which is covered petitioners lands. Further, it is to submit that, as per the observations of the Hon'ble High Court of Telangana, we further identify the alternate suitable Government lands as per the records whatever remaining extent is required and till such time the petitioners patta lands will not be disturbed.”

Heard both the sides.

In view of the averments made in the counter affidavit, both the Writ Petitions are disposed of granting liberty to the petitioners

to challenge the impugned notification dated 15.03.2019 in case respondents intend to acquire the subject land for any public purpose, if they are not able to identify alternate land.

There shall be no order as to costs.

Miscellaneous applications, if any, pending shall stand closed.

(A.RAJASHEKER REDDY, J)

(P.NAVEEN RAO, J)

8th November 2019
RRB

