

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

AND

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.8382 OF 2019

ORDER: {Per the Hon'ble Sri Justice P.Naveen Rao}

This Writ Petition is filed with the following prayer:-

“...to issue a writ, order or direction more particularly one in the nature of writ of mandamus, by declaring the preliminary notification issued by the 1st Respondent bearing Gazette No.118/2019 dated 15.03.2019 as being illegal, arbitrary, unconstitutional, contrary to the provisions of the Right to Fair Compensation and Transparency in Land acquisition, Rehabilitation & Resettlement Act, 2013 (as amended by the State of Telangana vide Act 21/2017) and in violation of Articles 14, 21 and 300-A of the Constitution of India and consequently to set aside the same and restrain the respondents from taking any further steps pursuant to the said notification and from interfering with the peaceful possession and enjoyment by the petitioner of her property admeasuring Ac.0.38 gts in Survey No.265 and Acres 2.25 gts in Survey No.293 of Mutrajpalli Village, Gajwel Mandal, Siddipet District and pass any other order or orders as this Hon'ble Court may deem fit 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 have been issued, which cover petitioners' lands. Further, it is to be submitted 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, the Writ Petition is disposed of granting liberty to the petitioner to challenge the impugned notification dated 15.03.2019 if the respondents intend to acquire the land for any public purpose and revive the process of acquisition. Respondents are also at liberty to acquire by initiating the process afresh, if private land/assigned land is required.

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