

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP Nos.9966 of 2019 & 9851 of 2019

ORDER::

The cause in the writ petitions, the parties and the issue involved being inter connected, they are taken-up and heard together. The petitioner in WP No.9966 of 2019 is Bhunirvasithula Parirakshana Porata Samithi of Namnoor & Chandanapur villages, whereas the petitioner in WP No.9851 of 2019 is Bhunirvasithula Parirakshana Porata Samithi of Gudipet village, and all these three villages are situate in Hazipur mandal, Mancherial district. It would suffice if facts in WP No.9966 of 2019 are adverted to.

02. The writ petition relief sought in the writ petition (WP 9966 of 2019) is as under:-

“For the reasons stated in the accompanying affidavit, it is therefore humbly prayed that this Hon’ble Court may be pleased to issue an order or directions or writ more appropriately a writ of mandamus to declare the impugned action of the respondents herein in not notifying and not paying any compensation to the Cattle sheds of the members of the Petitioner’s Porata Samithi in Namnoor & Chandanapur villages, Hazipur mandal, Mancherial district though the same were acquired long back along with their houses / structures / lands in the year 2008 itself, is illegal and further direct the respondents herein to notify the Cattle sheds of the members of the Petitioner Porata Samithi in Namnoor & Chandanapur villages, Hazipur mandal, Mancherial district as per the list enclosed and pay the legitimate compensation in respect of the Cattle sheds of the members of the petitioner Porata Samithi as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 forthwith and to pass such other order or orders which are deemed fit and just in the circumstances of the case.”

03. Facts stated in brief are:- petitioner assail the in-action of the respondents in not notifying and not paying the legitimate compensation to the members of the petitioner-porata samithi in respect of acquisition of their cattle sheds which were acquired along with their houses/structures, though their houses /structures were notified long back under Section 4 (1) and declaration under Section 6 of the Land Acquisition Act, 1894, vide proceedings No.B6/142/2008, dated 18-01-2008. That in-spite of their repeated representations and positive correspondences made in this regard since 2009 onwards, though compensation was paid the houses/structures, no compensation was paid in respect to the extent of the cattle sheds and the respondents have been dodging the same for one reason or the another under the guise of seeking clarifications. That though the members of the petitioner-porata samithi made representations in respect of left over cattle sheds, the respondents have assured them that they are going to survey the land and issue necessary notification, and pay compensation as early as possible, no action has been taken till today. That since no action was taken, the members of the petitioner-porata samithi made further representations on 16-04-2017 and 16-10-2018, in response to which the Special Deputy Collector, Mancheri, vide his memo RC.No.A/77/2010, dated 14-09-2018 replied to the petitioner that clarification is sought by the District Collector, Mancheri, from the State Government and the same is pending, necessary action will be taken for payment of compensation to the left over cattle sheds after receipt of

clarification from the Government. That thereafter, representations were also made to the 1st respondent and vide letter dated 10-01-2019 it was in turn addressed to the District Collector, Mancherial, to look into the said representation and take necessary action, based on which the District Collector, Mancherial, again sought for further clarifications from the Government on the subject issue and ultimately dodging the issue of payment of compensation.

04. Counter affidavit is filed by the 4th respondent wherein it is stated that compensation amount has been paid to the petitioners in respect of the structures, however cattle sheds being used for agriculture purpose are not notified in respect of the villages in question. That vide letter No.C/04/2012, dated 30-11-2012, the 4th respondent requested the Agricultural Finance Corporation Limited, Hyderabad, to clarify whether the estimation of valuation of cattle sheds added with main structure is correct or not. Accordingly vide letter dated 18-12-2012, the Agricultural Finance Corporation Limited, Hyderabad, has clarified on valuation of cattle sheds. That on the representation dated 27-04-2016 made by the Sarpanch, Gudipeta, the then District Collector, Adilabad, vide letter No.G3/3193/2005, dated 05-05-2016 had required the 5th respondent to send necessary proposals for payment of shifting charges towards the cattle sheds as per GO Ms.No.68, I & CAD and minutes of the meeting held on 03-06-2014 by the Hon'ble Minister for Irrigation at Hyderabad and also required to take necessary action as per the provisions of Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013, for payment of structure valuation to the cattle sheds. Ultimately, the answering respondent stated that vide Letter No.A/03/2017, Dated 07-01-2017, the then Special Deputy (LA), Unit-II, Mancherial had requested the District Collector, Mancherial, to clarify certain issues pertains to Yellampally Project including the payment of compensation to the cattle sheds and accordingly the District Collector, Mancherial, vide letter No.C2/148/2017, dated 03-03-2017, addressed to the Special Chief Secretary to Government, I & CAD Department, Hyderabad, for clarification on certain issues of Sripada Yellampally Project including structure valuation estimates of cattle sheds and the same is still pending with the Government.

05. Heard learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

06. The issue in this case rests on a narrow compass. It has come on record that survey has been conducted by visiting door to door in the villages in question and as per the survey report most of the structures are situated in patta lands and some areas are covered by structures and cattle sheds. The revenue authorities have admitted that payment of compensation for cattle sheds which was being used for agricultural purposes was not paid. Inasmuch as the proposals in that behalf are pending before the Government for clarification, it is incumbent on the respondent-authorities to take appropriate steps in the matter.

07. In view of the facts and circumstances of the case, both the writ petitions are disposed of directing the 1st respondent to undertake the exercise and take a decision, in accordance with law, on the subject matter within a period of eight weeks from the date of receipt of a copy of this order, and thereafter the 3rd respondent to take necessary action for payment of compensation to the petitioners, within a period of two weeks thereafter. As a sequel to the disposal of the writ petitions, miscellaneous petitions, if any, pending in these writ petitions also shall stand disposed of. There shall be no order as to costs.

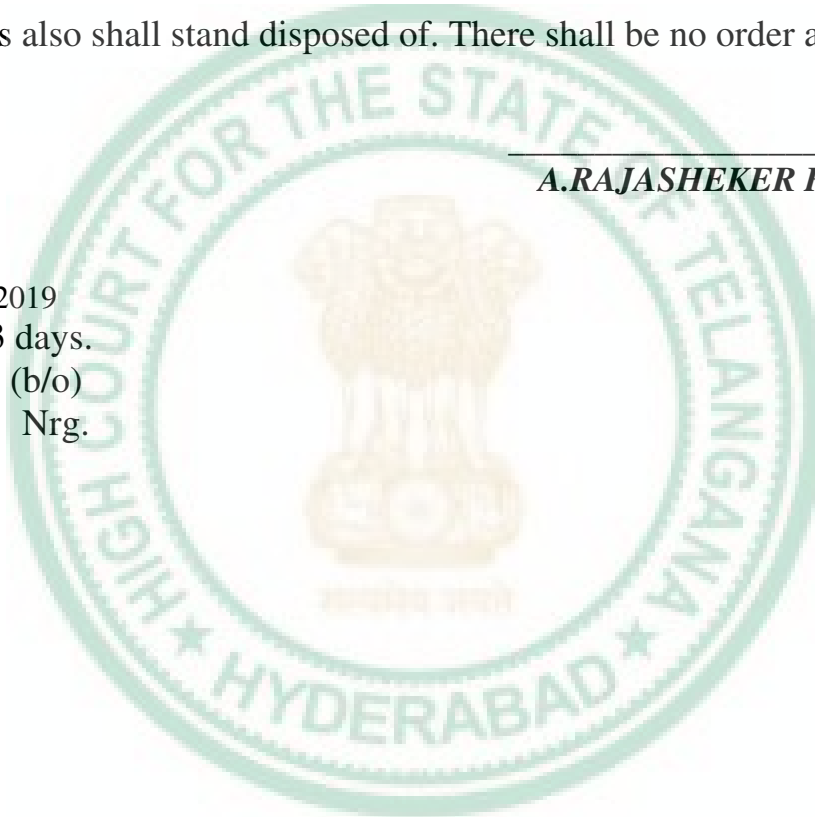
A.RAJASHEKER REDDY, J

Dated: 27-11-2019

Note: cc in 3 days.

(b/o)

Nrg.



THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP Nos.9966 of 2019 & 9851 of 2019

//WEB//

Dated: 27-11-2019

NRG

