

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24108 of 2018

Date : 13.6.2019

Between:

Peddi Narasaiah S/o Kanakaiah Aged 75 years
Senior Citizen R/o H No 22191 No 13
Basthi Yelladu Town and Mandal Bhadradi Kothagudem
District State of Telangana

Petitioner

And

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Land Acquisition.

2. On 21.4.2012 notification was issued declaring that Yellandu as affected area of Jawahar Khani-Open Cast project of M/s. Singareni Collieries Limited. 1445 families were notified as affected families which included house no. 1206 (3-2-147/2), Block No. F, Yellandu. Petitioner alleges that as his house was affected, respondents are bound to pay statutory compensation; rehabilitation amounts and benefits as contemplated under G O Ms No. 68 dated 8.4.2005. According to petitioner, he is entitled to compensation of Rs. 1,44,500/- under R R package; Rs.39,676/- towards structural value of the house and allotment of alternative house plot as land looser. Alleging that respondents failed to pay the amounts and not responding to the representations made by him, this writ petition is filed.

3. Revenue Divisional Officer filed counter affidavit, wherein, at paragraph 10 it is averred that as per the Socio Economic Survey Report, house bearing No. 3.2.147/2 collapsed; petitioner was not residing in that house as per the report of R & B department and was actually residing in No.2 Basthi of Yellandu mandal, which is not affected zone, therefore, petitioner is not eligible for compensation amount of Rs.1,44,500/-. According to respondents, as per the scheme notified vide G O Ms No. 68 dated 8.4.2005, project affected families must reside in the house in the three years preceding the acquisition and their names should be entered in the deletion list. It is further averred that as regards structural value and allotment of house site, at the time of Socio Economic Survey as suggested by surrounding people, his name was

recorded though he was not physically present. Thereafter, daughter of the petitioner made application claiming that structure belongs to her by placing relevant documents in support of her claim. Accordingly, structural value of Rs. 39,676/- was paid to her and she was allotted Plot No. 574 in R & R colony vide proceedings dated 30.10.2013. Thus, in so far as the liability of respondents to pay the structural value and allotment of alternative site were complied.

4. It is averred that petitioner was aware of the said fact and admitted the same in the statement made in the representation submitted to Revenue Divisional Officer on 18.2.2019, wherein he alleged that his daughter sold away the house site allotted but not paid any amounts to him and abused him. On 20.2.2019 statement of daughter of petitioner was recorded wherein she clearly stated that subject house belongs to her, she received the structural value and she was allotted alternative house site and also admitted the fact of selling of said house site. It is thus clear that respondent authorities complied with the statutory requirements for acquisition of private property. This Court is of the opinion that there was no illegality committed by the respondents in settlement of claims warranting interference. If petitioner has a grievance that his daughter is not entitled to receive the statutory benefits and she has cheated him or abused him, petitioner has to work out his remedies as available in law. More over, the issue of payment of compensation and allotment of alternative house site was completed in the year 2013 itself whereas petitioner woke up and instituted this writ petition after six years. Accordingly, writ petition is dismissed leaving it open to the petitioner to workout remedies as available in law. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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