

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.NO.1862 OF 2020

O R D E R(Per the Hon'ble Sri Justice A.Rajasheker Reddy)

All the petitioners are the residents of Ananthagiri village and their houses were proposed to be acquired for the purpose of Ananthagiri Reservoir and accordingly preliminary notification under Section 11(1) of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') was issued on 23.05.2017 and subsequently declaration for acquisition of houses was issued under Section 19(1) on 18.03.2018 and eventually awards were passed and Rehabilitation and Resettlement (R & R) awards were also passed under Section 31-A of the Act. Aggrieved by the R & R awards, and contending that R & R entitlements were not determined by following due process of law and G.O.Rt.No.1045 Irrigation and CAD (LA, R&R/A2) dated 25.08.2018, the present writ petition has been filed.

Learned counsel for the petitioners pointed out several irregularities in issuing declaration under Section 19 (2) of the Act, and in not following the procedure under Sections 16, 17 and 18 of the Act, and in passing of the awards, and also in conducting of award enquiry.

Counter affidavit is filed on behalf of the 6th respondent – Revenue Divisional Officer, and in the said counter at paragraph No.4, options given under G.O.Rt.No.1045 dated 25.08.2018 were mentioned. Learned Special Government Pleader appearing for the respondents, on instructions from the

6th respondent – Competent Authority and Revenue Divisional Officer, Siricilla Division, Suircilla, Rajanna Sircilla District, who is present in-person before the court, and also on telephonic instructions from the 4th respondent – District Collector, submitted that in order to avoid litigation, State is willing to extend the benefits under option – I mentioned in paragraph No.4 of the counter affidavit, to the writ petitioners.

Learned counsel for the petitioners, on instructions, submits that petitioners are willing to accept the benefits under Option-I under G.O.Rt.No.1045 dated 25.08.2018, mentioned in paragraph No.4 of counter affidavit, and give up all the legal contentions regarding challenge to the land acquisition process.

Learned Special Government Pleader submits that State has constructed 103 houses for offering the same to the petitioners and petitioners may accept the houses as part of R and R benefits.

Learned counsel for the petitioners submits that petitioners are not willing to accept the houses and no option was also given to the petitioners whether to accept the houses or not.

In paragraph No.4 of the counter affidavit Option – I under G.O.Rt.No.1045 dated 25.08.2018 with regard to R & R scheme, is mentioned, and the same is extracted as under for ready reference:

OPTION – I:

1. Lump sum Rs.12,54,000/-to each PDF.
2. 250 sq.yards of House Plot to all those who had crossed the age of 18, as on the date of notification under Section 11(1) of the Act.

In addition to the above, Government of Telangana had sanctioned an amount of Rs.5,00,000/- to each and every PDF who had crossed the age of 18 years as on the date of notification under Section 11(1) of the Act vide G.O.Rt.No.292 dated 18.07.2019 towards additional R and R benefit.

Since the Special Government Pleader, on instructions, submitted that the State is willing to extend the benefits under Option-I under G.O.Rt.No.1045 dated 25.08.2018 to the writ petitioners, and the counsel for the petitioners, on instructions, submitted that the petitioners are willing to accept the said benefits, writ petition is disposed of directing the respondents to extend the benefits under Option – I under G.O.Rt.No.1045 dated 25.08.2018, which is extracted above, to the writ petitioners.

Further, as the Special Government Pleader submitted that houses have already been constructed, it is open for the respondents, to offer the same to the petitioners, and if the same is agreeable to petitioners, the amount towards the cost of the houses, can be deduced from benefits being extended to the petitioners who opts from the houses under Option – I.

Only after extending the above benefits under Option – I to the petitioners, respondents shall proceed further, and the petitioners also shall co-operate with the authorities, and if still the petitioners resist the acquisition, it is open to the respondents to take appropriate coercive steps, for proceeding with the project.

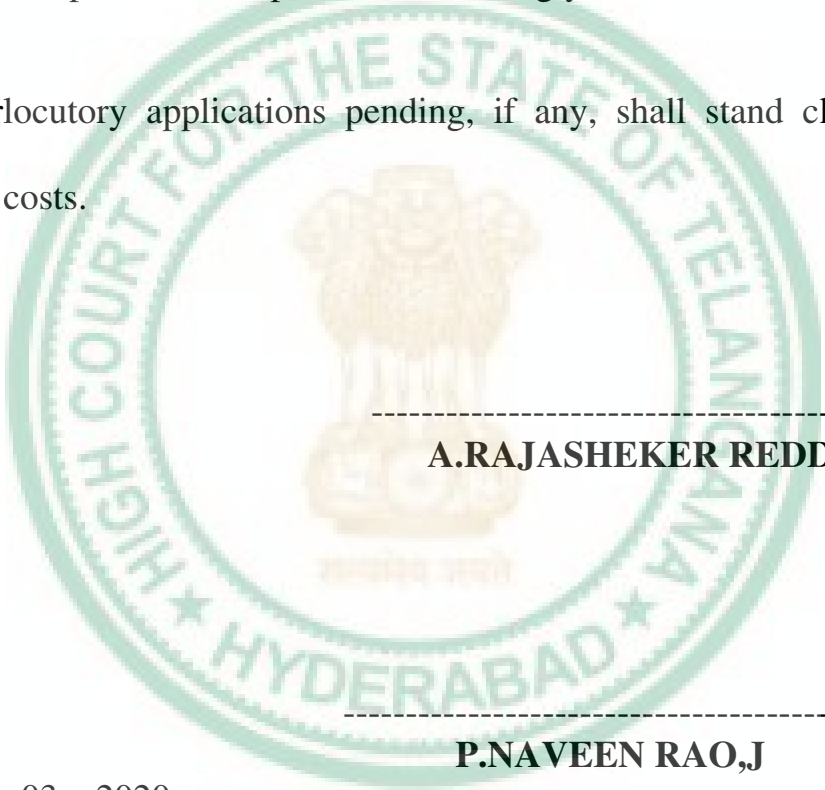
It is made clear that even after extending the benefits under Option – I, if the family members of the petitioners have any grievance, they can make representation to the authorities, which shall be considered in accordance with law.

Learned Special Government Pleader submitted that entire amount has been deposited before the authority under Section 77 of the Act and the authorities may be permitted to withdraw the same for disbursing the same to the petitioners in terms of this order.

In view of the facts and circumstances of the case, and the consensus arrived at between the parties, permission as sought for the learned Special Government Pleader, is granted.

The writ petition is disposed of accordingly.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.



A.RAJASHEKER REDDY,J

P.NAVEEN RAO,J

DATE:04—03—2020
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