

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.2694 of 2020

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader appearing for the respondents 1 to 4.

The prayer sought in the writ petition is as under:

“... to issue an appropriate writ, order or directions more particularly one in the nature of writ of Mandamus declaring the action of the respondents not depositing the compensation amount in lieu of acquisition of agricultural land in Sy.No.153/2, admeasuring Ac.5.33 guntas, of Ootupally village, Annapreddypally Mandal, Bhadradi-Kothagudem District and proposing to dig gravity canal where the paddy crop is grown by the petitioner as illegal, arbitrary, unreasonable, violative of Articles 14, 21 and 300-A of the Constitution of India besides being violative of principles of natural justice and consequently direct respondents not to dig gravity canal and pass such other order or orders as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

The learned Government Pleader placed on record the written instructions dated 08.02.2020 submitted by the Special Deputy Collector (LA), Seetharama Lift Irrigation Project, Palvancha.

From a perusal of the said written instructions, it is revealed that an extent of Ac.99.21 $\frac{3}{4}$ guntas was acquired for acquisition of land in Vutupally village of Annapureddypally Mandal under Seetha Rama Lift Irrigation Project as per requisition filed by the irrigation department. Accordingly, a preliminary notification under Section 11(1) of Land Acquisition Rehabilitation & Resettlement Act, 2013 was issued and the declaration was published under Section 19(1)

of the said Act. After following due procedure as per Land Acquisition Rehabilitation & Resettlement (Telangana Amendment) Act, 2016, consent award was passed for Rs.44,60,000/- for an extent of Ac.5.23 guntas in Sy.No.153/2 under Section 30(A) and 31(A) of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation & Resettlement (Telangana Amendment) Act, 2016 and Rules issued in G.O.Ms.No.120 Revenue (Asst-I) Department, dated 30.06.2016 in favour of Sri Bheemireddy Malla Reddy and remaining Ac.0.10 guntas of land was deferred since he has no title. The Award amount was included R & R package as per consent given by the petitioner under Section 31-A of the Telangana Amendment Act, 2016. The petitioner has signed on the acquittance register after passing of award on 16.05.2019 and he has signed on the acquittance register in the month of November, 2019. The land acquisition compensation bill was submitted to the Assistant Pay and Accounts Office, Bhadradi-Kothagudem on 13.11.2019 vide token No.2355. The land acquisition compensation has to be credited directly to the account of the petitioner through BMS (Bill Monitoring System) and the compensation is not yet released by the Government. It is also further mentioned in the written instructions that the Agency/Contractors have not yet started digging of canal in the land belongs to petitioner since there is a standing crop.

Learned Government Pleader on instructions also brought to the notice of this Court that only after payment of compensation to the petitioner, the land will be taken for the purpose of digging of canal.

At this stage, the learned counsel appearing for the petitioner brought to the notice of this Court that to harvest the existing crop in the subject lands, another eight weeks time is required and till, the existing crop is harvested, the respondents may be directed not to take any coercive steps.

Having heard both the learned counsel and in the light of the specific instructions issued by the Special Deputy Collector (LA), Seetharama Lift Irrigation Project, Palvancha, more particularly, with regard to digging of canal, the writ petition can be disposed of directing the 4th respondent not to dig any canal in the land belonging to the petitioner unless the compensation is paid.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, shall also stand closed.

P. KESHAVA RAO, J

Date:11.02.2020.
CCM

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