

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

**WRIT PETITION Nos.18100 & 957 OF 2022,
26956, 28191 AND 31143 of 2021**

COMMON ORDER:

As the subject matter in all these writ petitions is same, they are being disposed of by this common order.

2. This batch of writ petitions are filed by the petitioners seeking to declare action of the respondents in shifting displaced persons of National Highway - 363 (NH-363) Project in the leftover house plots of Singareni Collieries R & R Site by dividing one plot into three parts as illegal, arbitrary, without following due procedure as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Telangana Amendment) Act 2013 (for short 'Land Acquisition Act 2013').

3. The case of the petitioners is that they have constructed small houses with asbestos sheets in RK-6 Huts Area of Naspur Mandal and are living there since several years. The subject property was acquired through Singareni Collieries Company.

While so, respondent Nos.2 and 3 - the District Collector, Mancherial District, Mancherial, and the Additional Collector cum Land Acquisition Officer, NH-363 Project, Mancherial, Mancherial District respectively, proposed to undertake the project of widening the existing NH-363. To that effect, an award was passed. The authorities assured the petitioners to provide house site plots to the displaced persons in a fully developed layout area. But, contrary to their assurance, the authorities have proposed to allot the plots in Singareni Collieries Open cast project displaced persons layout in Survey No.72 of Naspur Village and Mandal by dividing one house plot of 240 square yards into three equal parts of 80 square yards each and forcing the petitioners to accept those plots and vacate their existing houses.

(i) According to the petitioners, left over plots in the layout were rejected by the beneficiaries of the project as they are not feasible for habitation and litigation is also pending. A bogus meeting was conducted on 27.07.2021 by respondent No.3 and obtained signatures with some of the fraudulent beneficiaries and issued proceedings to them. The petitioners submitted objections

dated 26.07.2021 to the proposal of the authorities. The respondents are adamant to dispossess the petitioners from their properties. The respondents visited the properties of the petitioners on 07.04.2022 and forced them to vacate their properties. The petitioners have addressed letter dated 26.10.2021 to the Deputy Commissioner of Police to provide police aid. W.P. Nos.18201, 18461, 22024, 24749, 26933 and 26938 of 2021 filed by the petitioners were disposed of directing the petitioners to approach respondent No.2.

4. In the counter filed by respondent No.3 along with vacate petition, it was submitted that in exercise of the power conferred by Section 3A(1) of the National Highways Act 1956 (48 of 1956), the Government of India issued notification vide Gazette S.O. No.2226 (E) dated 14.07.2017 and 3(A)II notification vide S.O. No.53(E) dated 04.01.2018 declaring their intention to acquire lands in Singapur village of Naspur Mandal in Mancherial District for public purpose for four-laning of NH-363 from 0.00 to 44.200 K.M. (Mancherial to Chandrapur Section) in Mancherial District, requiring all the persons interested in the land to submit their

claims and objections within 21 days. Notices were published in Sakshi Daily Newspaper and The Hindu Daily News Paper on 09.08.2017. No objections were received from any person. Hence, proposal under Section 3(D)(1) of the National Highways Act was issued vide S.O.No.806(E) and published in the Gazette vide Gazette No.711 dated 26.02.2018.

(i) Notification under Section 3-G of the National Highways Act was published in The Hindu English Daily News Paper and Sakshi Telugu Daily News Paper on 10.03.2018. Notices were issued vide Notice No.C2/16/2016 dated 25.07.2018 to the concerned to attend award enquiry fixed on 08.08.2018.

(ii) The Forest Divisional Officer, Mancheri vide Letter No.515/2019-F3 dated 18.03.2019 reported that the Forest Range Officer, Mancheri has duly conducted field inspection on 02.03.2019 and has submitted report stating that the area comes under the proposed NH-363 situated at Singapur and Thallapalli villages falling in Indaram Reserved Forest Area in Compt. No.705

and that the applicants had constructed houses longback in the Reserve Forest area and they are not eligible for compensation.

(iii) It is further stated in the counter affidavit that some persons have constructed houses by encroaching the SCC Limited lands falling in Indaram Reserved Forest and value of the houses have to be paid to the concerned persons as per the valuation of estimates furnished by the concerned departments. Vide Circular NHAI/11013/DGM/LAFS543/2017, the National Highway Authority of India issued guidelines as per NHAI Policy, as per which, compensation has to be paid for structures only on the recommendation of CALA (competent Authority for Land Acquisition). Accordingly, vide proceedings No.C2/NH-363/16/Singapur/2016 dated 30.11.2019, respondent No.3 passed award for Rs.3,34,93,269/- towards 179 structures situated at Singapur Village of Naspur Mandal. The compensation was fixed in accordance with Sections 26 to 30 of the Land Acquisition Act 2013, award was passed under Section 3G(1) of the National Highways Act 1956 and paid compensation to all the concerned awardees.

(iv) While so, the Member of Legislative Assembly, Mancherla Constituency represented that about 201 households situated in Singapur and Thallapally Villages of Naspur Mandal are affected under acquisition of land for four-laning of NH-363 Project and requested to allot alternate land to these people in the existing Singareni R&R Plots or the available land of Singareni. Accordingly, vide Memo No.19593/Assn.I(I)/2020-1 dated 12.11.2020, the Chief Secretary, Government of Telangana Revenue (Assn.I) Department agreed to allot land in principle to 201 families living in Singapur and Thallapally Rehabilitation Colony of Naspur Mandal in the lands of Singareni Collieries by allotting house sites at 80 square yards per family and directed the District Collector, Mancherla to take further necessary steps for handing over the plots in progress. The State Government has decided to rehabilitate 201 families whose house structures are being affected in widening of NH-363. Respondent No.3 directed the Tahsildar, Naspur Mandal to take over possession of 201 plots, each 80 square yards, in Singapur R7R Site, Naspur Village and

Mandal and issue patta certificates to the affected families of Singapur and Thallapally Villages of Naspur Mandal.

(v) The contention of the petitioners that the respondents' authorities are shifting the displaced persons of NH-363 in the left over house plots of Singareni Collieries R & R Site by dividing one plot into three parts/plots and without providing R and R benefits is incorrect and baseless. As per Memo No.19593/Assn.I(1)2020-2 dated 03.03.2021 issued by the Chief Secretary to Government, CCLA, Hyderabad, the petitioners have been considered for allotment of 80 square yards of house site plot in Survey No.72 of Naspur Village of Mancherla District. It is further stated that the subject project i.e., Mancherla to Repallewada Section of NH 363 is important National Highway Project connecting the three States viz., Maharashtra, Telangana and Andhra Pradesh, and part of Nagpur-Vijayawada corridor which is important project of North-East of Telangana State and the project has to be completed in a very time bound manner, and out of 24 months of construction period as per Concession Agreement, 18 months were already lapsed and till date, the concessionaire managed to remove only 35

structures from the location out of 201, and if there is further delay, the same will have huge financial impact on the State exchequer.

5. Heard Mr. T. Koteshwara Prasad, learned counsel for the petitioners, learned Government Pleader for Acquisition for respondent Nos.1 to 3, Mr. Padma Rao, learned Standing Counsel for National Highway Authority of India (NHAI) - respondent No.4, and Mr. J. Srinivasa Rao, learned standing counsel for Singareni Collieries, and perused the material on record.

6. It was submitted by the learned Standing Counsel for NHAI and the learned Government Pleader for Land Acquisition that several displaced persons have peacefully occupied the plots allotted by the authorities in the same layout viz., Singareni Collieries Company Limited without raising any objection, however, the petitioners herein have approached this Court for extraneous consideration. The petitioners are trying to blackmail the authorities by misleading this Court. The petitioners are encroachers of valuable land and therefore they are not entitled to any plot, however, some of the petitioners are entitled to payment

of compensation for the structures raised by them. It was on the request of the Member of Legislative Assembly of the constituency, the Government has agreed in principle to allot 201 plots to the displaced persons who include the petitioners herein. The petitioners are trying to mislead this Court by saying that they are being forced to occupy left over plots in the layout. There is no dispute that this layout was developed by Singareni Collieries and some plots have not been allotted. The Government has decided to allot plots in Survey No.72 of Naspur village and Mandal, Mancherial District on humanitarian grounds. Thus, the petitioners cannot have any right either under statute or Constitution.

7. In response to the submissions of the learned Government Pleader for Land Acquisition and the learned standing counsel for NHAI, the learned counsel for the petitioners submitted that the plots that are offered to the petitioners are with disproportionate dimensions. Each plot comprises of 240 square yards and somehow to get rid of the petitioners, each plot of 240 square yards is disproportionately divided into three plots of 80 square yards each. The learned counsel for the petitioners has submitted that

length and width of the plot are so disproportionate that it is not feasible for the petitioners to construct any dwelling unit for their habitation on the said plot.

8. On the other hand, the learned counsel for the learned Special Government Pleader has seriously disputed contention of the petitioners and submitted that more than 150 displaced persons have occupied the plots (80 square yards) in the layout in Survey No.72 of Naspur village without any objection and claim of the petitioners herein is without any *bona fides*.

9. The learned counsel for the petitioners submits that in the event this Court directs respondents to allot plots of reasonable dimensions, the petitioners would not have any objection to vacate the land in their occupation and facilitate widening of NH - 363.

10. Mr. Padma Rao, learned standing counsel for National Highways, has submitted that the petitioners may be directed to handover possession of the subject plots to sub-serve the public purpose as otherwise the construction of National Highway would be delayed for an indefinite period.

11. Perused the additional documents and layout submitted by the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

12. According to the learned counsel for the petitioners the layout in Survey No.72 of Naspur village and Mandal has plots of 240 square yards each and each plot is divided into three plots of 80 square yards each and length and width of the plots are disproportionate to construct houses for their habitation.

13. Having perused the layout, *prima facie*, it appears that 240 square yards of a plot has been divided into three equal bits. For instance, in the copy of the Singareni Collieries Company Limited layout produced by the learned Government Pleader for Land Acquisition, it can be clearly seen that the left over each plot of 240 square yards is subdivided into three plots of 80 square yards each. For instance, Plot No.1032 of 240 square yards is subdivided into three plots of 80 square yards each with Plot Nos.N1-39, N1-40, N1-41. Similarly, Plot Nos.1068, 1069 and 1070 of 240 square yards each, totalling to 720 square yards (240

square yards x 3 Plots), are sub-divided into 9 plots of 80 square yards each with Plot Nos.N1-42, N1-43, N1-44, N1-45, N1-46, N1-47, N1-48, N1-49 and N1-50. In spite of spending considerable length of time by this Court to find out from the learned counsel for the petitioners as to whether the petitioners will be willing to approach the District Legal Services Authority or High Court Legal Services Authority to give quietus to the matter, the learned counsel for the petitioners has submitted that this Court may pass orders on merits taking into consideration the given state of affairs and future interest of the petitioners.

14. In view of the above facts and circumstances, these writ petitions are disposed of, without any order as to costs, with the following directions:

- (i) the petitioners are directed to deliver possession of the plots in their possession within a period of three weeks from the date of receipt of a copy of this order;
- (ii) the petitioners are permitted to submit representation to the District Collector Mancheri explaining their

objections to the allotment of plots in the SCCL layout and as to how they are not feasible for construction of dwelling units;

- (iii) on receipt of such application from the petitioners, the District Collector shall pass orders thereon within a period of four (4) weeks therefrom by conducting an enquiry about feasibility for construction of houses on 80 square yards plot allotted to each of the petitioner; and,
- (iv) if the District Collector comes to the conclusion that dimensions of the plots are not feasible for construction of houses, he shall direct the Singareni Collieries Company Limited to revise the layout by changing dimensions of the available plots; as expeditiously as possible not later than two (2) months from the date of his decision.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

August 8, 2022.

PV

B. VIJAYSEN REDDY, J