

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.5780 OF 2020

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the action of respondent No.3 in depriving the petitioners for Rehabilitation and Resettlement benefits under G.O.Ms.No.68, dated 08.04.2005, as illegal and arbitrary.

2. This Court by an order, dated 20.07.2022, passed the following interim order:-

“Heard .

Learned counsel for the petitioners submits that similarly situated persons filed W.P.Nos.32868 and 41342 of 2017 and the same were disposed of by order dated 10.08.2018. Learned counsel requests this Court to pass orders in the present case in terms of paragraph 66 (a) and (b) of the order dated 10.08.20218 passed in W.P.Nos.32868 and 41342 of 2017. It is submitted that the Government has not filed appeal challenging the order dated 10.08.2018.

In the circumstances, there shall be interim direction to the respondents to consider the petitioners' representations dated 20.04.2019, 14.05.2019, 20.05.2019, 27.05.2019 and 01.07.2019, seeking R&R entitlements, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Post on 10.10.2022. ”

3. Pursuant thereto, respondent No.5 herein passed an order in Rc.No.A/3274/2015, dated 23.12.2022, considering the representations submitted by the petitioners declaring that petitioner Nos.9 and 10 are entitled for extending the benefits under G.O.Ms.No.68, dated 08.04.2005 and rest of all the

petitioners are found to be not entitled for the said benefits. A copy of the said order, dated 23.12.2022, is placed before this Court by the learned counsel for the petitioners and it is now contended that respondent No.5 herein is not the competent authority to consider the representations submitted by the petitioners and it is respondent No.4, who is competent authority in terms of Chapter-3.1 of Government of Andhra Pradesh Resettlement and Rehabilitation Policy, 2005 (for short 'the Policy, 2005'). From the perusal of the Policy, 2005, it is evident that it is respondent No.4, who is competent authority to consider the requests of the petitioners for extending the benefits of Rehabilitation and Resettlement in terms of G.O.Ms.No.68, dated 08.04.2005, but, in terms of interim order passed by this Court on 20.07.2022, instead of respondent No.4 for considering the representations, respondent No.5, who is not having any such authority passed the order, dated 23.12.2022.

4. The incompetency of respondent No.5 is not disputed by the learned Assistant Government Pleader for Land Acquisition and it is an admitted fact that it is respondent No.4, who is the competent authority, to consider the representations of the petitioners for extending the Rehabilitation and Resettlement benefits.

5. In the light of the above undisputed factual and legal position, the order passed by respondent No.5 in

Rc.No.A/3274/2015, dated 23.12.2022, is without any authority, non-est and accordingly, the same is set aside and the Writ Petition is allowed and consequently respondent No.4-Joint Collector-cum-R&R Authority, is directed to consider the representations, dated 20.04.2019, 14.05.2019, 20.05.2019, 27.05.2019 and 01.07.2019 submitted by the petitioners and pass appropriate orders thereon in accordance with law within a period of three (03) months from the date of receipt of a copy of this order and communicate the same to the petitioners. Before passing any such orders, respondent No.4 shall afford an opportunity of personal hearing to the petitioners.

There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

MUMMINENI SUDHEER KUMAR, J

Date: 23.01.2023

NDS

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NDS