

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 17944 OF 2021

Between:

1. Yarasani Keshava Reddy, S/o. Somi Reddy, Aged about 65 years, Occ. Agriculture, Rejarla Village, Sattupally Mandal, Khammam District, Telangana.
2. Yarasani Bharathi, W/o. Keshava Reddy, Aged about 62 years, Occ. Housewife, Rejarla Village, Sattupally Mandal, Khammam District, Telangana.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department (Land Acquisition), Secretariat Buildings, 5th Floor, BRKR Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana-500063.
2. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, 5th Floor, BRKR Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, Telangana-500063.
3. The Singareni Collieries Company Ltd., Rep. by its Chairman and M.D., Kothagudem Collieries, Bhadradi Kothagudem District, Telangana - 507 101.
4. The District Collector, (LA), Khammam District, Telangana.
5. The Joint Collector(LA), Khammam District, Telangana.
6. The Revenue Divisional Officer (LA)(RDO), Khammam District, Telangana.
7. Mandal Revenue Officer, Satupally Mandal, Khammam District, Telangana.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus, declaring the action of the Respondents in issuing a Declaration vide District Collector File No.G1/1182/2019, dt.06/04/2021, RDO/Khammam File No.A/329/2020, dt.24/02/2021 and Gazette Notification No.A1/12/2021, dt.09/04/2021 issued u/s.19(1) of RFCTLARR Act, 2013 pursuant to Preliminary Notification vide Collector File No.G1/1182/2019, dt.16/09/2020, LAO/Khammam File No.A/329/2020, dt.01/09/2020, and Gazette Notification No.A3/35/2020, dt.16/09/2020 u/s.11(1) of RFCTLARR Act, 2013 for acquiring the

lands to an extent of Ac.315-30 gts., by Singareni Collieries for open cast mining (OCP-II) in Rejarla Village, Sattupally Mandal, Khammam District without conducting Grama Sabha and without considering objection raised under Section 15 as mandated under RFCTLARR Act, 2013 as illegal, arbitrary, unconstitutional, in violation of the strict provisions of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and in violation of principles of natural justice and to consequently set aside the Declaration vide District Collector File No.G1/1182/2019, dt.06/04/2021, RDO/Khammam File No.A/329/2020, dt.24/02/2021, and Gazette Notification No.A1/12/2021, dt.09/04/2021 issued u/s 19(1) of RFCTLARR Act, 2013 by first conducting a personal hearing and issuing a report on the said objections as mandated under Sec 15(2) pursuant to Preliminary Notification vide District Collector File No.G1/1182/2019 dt.16/09/2020, LAO/Khammam File No.A/329/2020, dt.01/09/2020, and Gazette Notification No.A3/35/2020, dt.16/09/2020 u/s.11(1) of RFCTLARR Act, 2013.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including dispossession of petitioners from said lands i.e., in Sy.No.47/E/RU admeasuring Ac.0-20 gts., in Sy.No.47/E/EE admeasuring Ac.1-30 gts., Sy.No.47/E/U admeasuring Ac.1-00 gts., Sy.No.47/E/UU admeasuring Ac.0-18 gts., Sy.No.85/ 1/U admeasuring Ac.1-35 gts., belonging to Petitioner No.1 and in Sy.No.47/ 1/2/A/A admeasuring Ac.3-02 gts., belonging to Petitioner No.2, situated in Rajerla Village, Sattupally Mandal, Khammam District pending outcome of the main writ petition.

Counsel for the Petitioners: SMT. B.RACHNA REDDY
Counsel for the Respondent Nos.1,2,4 TO 7: AGP FOR LAND ACQUISITION
Counsel for the Respondent No.3: SRI P.SRI HARSHA REDDY, SC FOR
SINGARENI COLLIERIES COMPANY LIMITED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.17944 of 2021

ORDER:

Heard Ms. B. Rachana Reddy, learned counsel for the petitioners, learned Assistant Government Pleader for Land Acquisition and Sri P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited.

2. This writ petition is filed challenging the preliminary notification issued under Section 11 (1) and the draft notification issued under Section 19 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act, 2013') proposing to acquire the lands of the petitioners together with certain other extents of lands on the ground that the mandatory requirement of giving an opportunity under Section 15 of the Act, 2013 has not been followed and personal hearing was also not afforded to the petitioners.

3. It is brought to the notice of this Court that the Award was passed in respect of other extents of lands except the lands which are the subject matter of the present writ petition i.e., lands in Survey No.47/E/EE admeasuring Ac.1.30 guntas;

Survey No.47/E/U admeasuring Ac.1.00; Survey No.47/E/UU admcasuring Ac.0.18 guntas; Survey No.85/1/U admeasuring Ac.1.35 guntas; Survey No.780/EE admeasuring Ac.0.10 guntas; Survey No.781 admeasuring Ac.1.03 guntas; Survey No.782/E admeasuring Ac.1.30 guntas, totally admeasuring Acs.8.06 guntas belonging to petitioner No.1 and lands in Survey No.47/1/2/A/A admeasuring Acs.3.02 guntas; Survey No.772/A/U/1/2 admcasuring Ac.0.04 guntas; Survey No.788/U/A/1 admcasuring Ac.1.08 guntas, totally admcasuring Acs.4.14 guntas belongings to petitioner No.2, situated in Rejarla Village, Sathupally Mandal, Khammam District. The respondents issued a notice dated 07.10.2022 affording an opportunity to the petitioners and the petitioners also stated to have represented the matter before respondent No.6 informing him that the matter is pending before this Court. Though an objection is sought to be raised on the ground of limitation, the same is not pressed by the learned counsel for the petitioners.

4. Learned counsel for the petitioners contended that the subject lands are deemed to have been converted as non-agriculture lands in terms of the provisions of the Telangana Agricultural Lands (Conversion for Non-Agricultural

Purposes) Act, 2006, especially under sub-section (6) of Section 3 of the said Act. She further submitted that the said aspect is required to be taken note by respondent No.6 for taking further action in the matter.

5. Having taken note of the fact that respondent No.6 has already issued notice dated 07.10.2022 and the petitioners have already submitted a representation, this Court is of the considered view that it is for the respondent No.6 to consider all the objections that are raised by the petitioners against the proposed acquisition of the subject lands.

6. Learned Assistant Government Pleader for Land Acquisition also fairly submitted that respondent No.6 would consider all the objections that are raised by the petitioners and then take further action in accordance with law.

7. In view of the same, the writ petition is disposed of permitting the petitioners to raise all the objections that they intend to raise against the proposed acquisition of the subject lands within a period of two weeks from the date of receipt of a copy of this order and on submission of such objections, respondent No.6 shall consider the same and pass appropriate orders thereon within a further period of four weeks and then

proceed in accordance with law, There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/-T.SRINIVAS
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To

1. The Principal Secretary, Revenue Department (Land Acquisition), Secretariat Buildings, 5th Floor, BRKR Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, State of Telangana, Telangana-500063.
2. The Principal Secretary, Revenue Department, Secretariat Buildings, 5th Floor, BRKR Bhavan, NH 44, Hill Fort, Adarsh Nagar, Hyderabad, State of Telangana, Telangana-500063.
3. The Chairman and M.D., Singareni Collieries Company Ltd., Kothagudem Collieries, Bhadradi Kothagudem District, Telangana - 507 101.
4. The District Collector (LA), Khammam District, Telangana.
5. The Joint Collector(LA), Khammam District, Telangana.
6. The Revenue Divisional Officer (LA)(RDO), Khammam District, Telangana.
7. Mandal Revenue Officer, Satupally Mandal, Khammam District, Telangana.
8. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana, at Hyderabad. [OUT]
9. One CC to SMT. B.RACHNA REDDY, Advocate [OPUC]
10. One CC to SRI P.SRI HARSHA REDDY, SC FOR SINGARENI COLLIERIES COMPANY LIMITED [OPUC]
11. Two CD Copies

PSK.

BS

HIGH COURT

DATED:02/01/2023

ORDER

WP.No.17944 of 2021



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

Handwritten signature
23/01/2023