

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

**THURSDAY, THE THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 35210 OF 2024

Between:

1. Sarikonda Eshwaramma, W/o.S.Shankaraiah, Aged about 63 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
2. Madhurai Indira, W/o.Sanjay Kumar, Aged about 39 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
3. Chaman Chandrakala, D/o. Late Sriramulu, Aged about 53 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
4. Billakal Swaroopa, W/o.B.Narsing Rao, Aged about 51 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
5. Mavilla Satyanarayana, S/o.Late. Sriramulu, Aged about 48 years Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
6. M.Shobha, W/o.Rama Krishna, Aged about 55 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
7. Shetty Indhu, W/o.Mallappa, Aged about 50 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District
8. Mavilla Krishnaiah, S/o. Late Sriramulu, Aged about 50 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department Secretariat, Hyderabad.
2. The District Collector, Nalgonda District At Nalgonda.
3. The Revenue Divisional Officer, Deverakonda Revenue Division Nalgonda District.
4. The Tahsildar, Chinthapalli Mandal Nalgonda District.
5. The Station House Officer, Chinthapalli Police Station Chinthapalli Mandal, Nalgonda District.

...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 directions more particularly a Writ in the nature of mandamus declaring the action of the respondents, more particularly that of the respondent Nos.3 and 4 in seeking taking over the land and dispossessing the petitioners from the subject land without following due process of Law or without invoking either the Land Acquisition Act or Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is challenged in this writ petition as being arbitrary, illegal and violative of Articles 14, 19 (d), 21 and 300-A of Constitution of India and consequently direct the respondents not to take over the land or dispossess the petitioners from the land in Sy.Nos. 154/5, 154/26/1 to 154/26/7 admeasuring Ac.0.625guntas each tota'ly Ac.1.10guntas, situated at Chinthapalli Village and Mandal, Nalgonda District without following due process of Law and without the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

IA NO: 1 OF 2024

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 direct the respondent No.3 to 5 not to interfere with the possession of the petitioners in respect of the land in Sy.Nos. 154/5, 154/26/1 to 154/26/7 admeasuring Ac.0.625guntas each totally Ac.1.10guntas, situated at Chinthapalli Village & Mandal, Nalgonda District without following due process of Law

IA NO: 3 OF 2025

Between:

1. The State of Telangana, Rep. by its Principal Secretary Revenue Department Secretariat, Hyderabad.
2. The District Collector, Nalgonda District At Nalgonda.
3. The Revenue Divisional Officer, Deverakonda Revenue Division Nalgonda District.
4. The Tahsildar, Chinthapalli Mandal Nalgonda District.

...PETITIONERS/RESPONDENTS

AND

1. Sarikonda Eshwaramma, W/o.S.Shankaraiah, Aged about 63 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
2. Madhurai Indira, W/o.Sanjay Kumar, Aged about 39 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
3. Chaman Chandrakala, D/o. Late Sriramulu, Aged about 53 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
4. Billakal Swaroopa, W/o.B.Narsing Rao, Aged about 51 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
5. Mavilla Satyanarayana, S/o.Late. Sriramulu, Aged about 48 years Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
6. M.Shobha, W/o.Rama Krishna, Aged about 55 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.
7. Shetty Indhu, W/o.Mallappa, Aged about 50 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District
8. Mavilla Krishnaiah, S/o. Late Sriramulu, Aged about 50 years, Occ. Agriculture R/o. Chintapally Village and Mandal, Nalgonda District.

...RESPONDENTS/PETITIONERS

9. The Station House Officer, Chinthapalli Police Station Chinthapalli Mandal, Nalgonda District.

...RESPONDENT/RESPONDENT

(Respondent No.9 is not necessary party)

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 vacate the Interim Orders granted on 16.12.2024 in WP.No.35210 of 2024 and also to dismiss this Writ Petition.

Counsel for the Petitioners: SRI BANDAMIDI SWAMY

Counsel for the Respondent Nos.1 to 4: AGP FOR LAND ACQUISITION

Counsel for the Respondent No.5: GP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No.35210 of 2024

ORDER:

This writ petition has been filed to declare the action of the respondents, more particularly that of the respondent Nos.3 and 4 in seeking taking over the land and dispossessing the petitioners from the subject land without following due process of Law or without invoking either the Land Acquisition Act or right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Learned counsel for the petitioner submits that all the petitioners belongs to the same family and subject matter of the writ petition is pertaining to land in survey Nos.154/5, 154/26/1 to 154/26/7 admeasuring Ac.0.625 guntas each totally Ac.1.10 guntas, situated at Chintapalli Village & Mandal, Nalgonda District. Petitioners submits that originally land was owned and possessed by the grandfather of the petitioners by name Ramaiah. After the demise of the said Ramaiah, the said land was transferred in the name of his four daughters equally, the mother of the petitioners was also got land Ac.1.10 guntas as her share. The mother of the petitioners died in the year 2004 and thereafter by an oral partition, the subject land was shared by the petitioner in equal proportion i.e., Ac.0.625 guntas each. The said oral partition has

been acted upon in as much as e-patta passbooks were also issued in the name of the petitioners and the names of petitioners have been uploaded in the Dharani Portal. It is further submitted that except the income from the subject land, the petitioners have no other source of income. It is further submitted that in a neighboring village, the lands of the villagers which were taken over under Rehabilitation scheme have been submerged for the development of Cherlgudam Tank and under the Rehabilitation Scheme.

3. It is submitted that on 08.12.2024, when petitioners went to their respective land which is in a compact block, the subordinates of the respondent Nos.3 and 5 prevented the petitioners from entering into the subject land and informed that the land is proposed to be acquired. Thereafter, the petitioners approached the respondent No.3 on 10.12.2024 and were informed that the advance possession will be taken and thereafter notice will be given. The petitioners main grievance is that the respondent Nos.3 and 4 are seeking to take over the land by dispossessing the petitioners from the subject land without following due process of law or without invoking either the Land Acquisition Act or Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Questioning the same the present writ petition is filed.

4. It is submitted that in the notification dated 07.10.2022 *vide* Form -VII issued under Section 19(1) of Land Acquisition Rehabilitation Act and Right To Reasonable Compensation Act, 2013 published in the Nalgonda District Gazettee, it was informed that there is a proposal for acquiring land in survey No.154 to an extent of Ac.28.22 guntas. However, the names of the petitioners were not been reflected in the said notification and since their lands are situated in survey No.154, they are effected parties. Petitioners contended that by non inclusion of their names in the notification, the respondents cannot initiate any action on the subject lands without following due process of law.

5. Respondent No.3 filed a counter and would submit no remarks to the extent of petitioners land in survey No.154 to an extent of Ac.1.10 guntas. It is submitted that on receipt of the requisition proposals for acquisition of the lands from the Executive Engineer, SRVR DLIP Division No.11, Marriguda, Nalgonda District, *vide* Lr.No.EE/Irr/DIV.11/MGM/DB/DEE(T)/AEE (T) 2020-21/165M, dated 05.10.2021 in survey No.154 to an extent of Ac.28.22 guntas situated in the village limits of Chinthapally Village and Mandal of Nalgonda District for providing R&R Center for Narsireddygudem village of Marriguda Mandal of Nalgonda District whose lands were submerged under Shivannagudem Balancing Reservoir, the Land Acquisition process was initiated

under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and got surveyed the requisitioned land and arrived with reference to the sub-division record for an extent of Ac.28.22 guntas in survey No.154 of Chinthapally Village & Mandal of Nalgonda District. Based on the preliminary notification under Section 11 of RFCT in L.A. and R & R Act, 2013 has been submitted to respondent No.2 i.e., District Collector, Nalgonda District *vide* Lr.No.F/98/2022, dated 28.01.2022 and the same was approved by the District Collector, Nalgonda *vide* Proc.No.G1/8018/2021, dated 02.02.2022 and the same has been published in Telangana Extraordinary Gazette issued No.14, dated 03.02.2022 and the notification has been published in two daily newspapers viz., the Capital Information English Daily News Paper on 11.02.2022 and Sakshi Telugu News Paper dated 11.02.2022. But as per the Sub-Division record and notification no name of the petitioners are notified and after publication of the notification also, the writ petitioners have not filed any objection petitions or request petitions. Further, some other interested persons have filed objection petitions and thereafter a report was called from the respondent No.4 i.e., Tahisldar, Chintapalli. Later report was submitted by the respondent No.4 *vide* Lr.No.B/335/2021, dated 02.05.2022 on objections regarding variations in extent and alignment and

submitted revised enjoyment list. Thereafter, addendum to PN proposals has been submitted by the respondent No.3 *vide* Lr.No.F/98/2022 dated 12.05.2022 to the respondent No.2 and the same was approved by the District Collector, Nalgonda *vide* Proc.No.G1/8018/2021, dated 18.05.2022 and the same has been published in two daily news papers on 30.05.2022 and on 29.05.2022. At that time also the writ petitioners have not raised any objections before the respondents. Subsequently, the Declaration proposals under Section 19(1) of the Act 20 of 2013 in Form-VII has been submitted by the R.D.O *vide* Lr.No.F/98/2022, dated 27.09.2022 and the same was approved by the District Collector, Nalgonda *vide* Proc.No.G1/8018/2021 dated 07.10.2022 and the gazette to this effect has also published *vide* No.74, dated 07.10.2022 and petitioners names were also not covered in declaration for subject lands and also no objections were received from the petitioners in stipulated time. Thereafter, respondent No.3 had issued notices under Section 22(1) of Act, 30 of 2013 for the persons interested, fixing the hearing date for Award Enquiry on 05.03.2023 at 11.30 A.M., in Grampanchayath Office, Devarakonda and notices were served to the persons interested through the Mandal Girdavar, Chintapally Mandal by hand on 06.07.2021. Further, it is submitted that market value per acre Rs.3,20,889/- was approved by the District Collector, Nalgonda in

Lr.No.G1/8018/2021, dated 19.01.2023 under Section 26 of RFCT in L.A. and R & R Act, 2013 and award has been pronounced by the respondent No.2 *vide* proceedings dated 12.04.2023 and approved by the District Collector, Nalgonda *vide* Lr.No.G1/8018/2021, dated 18.04.2023 for an amount of Rs.2,99,67,519/- (Rupees Two Crores Ninety-Nine Lakhs Sixty Seven Thousand Five Hundred and Nineteen only) and total compensation amount was disbursed to the awardees/affected persons under proper acknowledgment. It is further submitted that the petitioners are having assigned land in survey No.154/5, 154/26/1 to 154/26/7 to an extent of Ac.1.10 guntas (each an extent of Ac.0.0625 guntas) in the limits of Chinthapally village and Mandal to which they have got issued e-patta passbooks and the subject lands were coming under alignment of acquisition for the purpose of providing House sites under R&R package to the (289) project displaced families of submerged village of Narsireddygudem under Shivannagudem Balancing Reservoir of Dindi Lift Irrigation Scheme. The said survey No.154 of Chinthapally village is having total extent of Ac.96.14 out of which an extent of Ac.8.14 guntas of assigned land was already acquired for R&R center to (110) PDF's of Lingannabavigudem and Puthalaram Thanda of Devarakonda Mandal of Nalgonda District submerged under Gottimukkala Balancing Reservoir under DLIS. An extent of Ac.26.00 guntas of

assigned land in the same survey No.154 of Chinthapally Village and Mandal has also under acquisition for providing R&R center to Laxmanapuram village of Nampally Mandal and Edulagandi Village of Chinthapally Mandal which are submerged under Kistarainpally Balancing Reservoir under DLIS. It is further submitted that the subject lands have been notified which is middle of the acquired land in favour of other enjoyers and payment of compensatin has also been paid to them. Later on, it is noticed that the petitioners land has under alignment of the acquired land and other assignees covered in the award was claimed without valid title and they received the compensation and the process of recovery of the excess payment disbursed under Section 33(A) of the RFCT in L.A. and R & R Act, 2013 has been initiated under Revenue Recovery Act, 1894 against the defaulters for which necessary action was initiated for recovery of the amounts from the excess received awardees.

6. It is further submitted that, it is necessary to acquire the schedule lands of the petitioners for providing the R&R center of Narsireddygudem village which are submerged under Shivannagudem Balancing Reservoir under DLIS and also stated that it is necessary to vacate the PDF's of Narsireddygudem village before the rainy season as the Shivannagudem Balancing Reservoir Project works almost completed and storage of water in the

reservoir will be submerge the Narsireddygudem village. Therefore, it is necessary to take advance possessin of the subject lands which is the part of the acquired land to an extent of Ac.28.22 guntas in survey No.154 of Chinthapally village & Mandal. It is further held that respondents are ready to pay 80% advance compensation amount to the petitioners to an extent of Ac.1.10 guntas in survey No.154 of Chintapalli village under Section 40 of RFCT in L.A. and R&R Act, 2013 in order to take advance possession of the subject lands to continue the layout works and necessary action will be initiated for acquisition of the subject land and compensation will be paid to the petitioners as per Land Acquisition, Rehabilitation and Resettlement Act, 2013.

7. Petitioners in their reply affidavit submits that the answering respondent admitted that the land of the petitioners is not covered by notification and that the admitted compensation is actually payable to the petitioners is knocked away by certain individual by misguiding authorities and that no compensation is paid to the petitioners and that when their land is not covered by the notification, the respondent authorities cannot take possession and in support of their submissions, photographs have been filed which shows that the schedule land is under cultivation and now there is jowar crop which is ripe for harvesting and if acquisition of

their land is inevitable then the respondent authorities must follow due procedure of law contemplated under Section 11(1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and accordingly the petitioners are not only entitled for monetary compensation has to be paid but they are entitled to Rehabilitation Scheme i.e, Assignment of House Site Patta and money of the purpose of construction of the house.

8. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

9. Admittedly, the land in survey No.154 of Chinthapally village & Mandal to extent of Ac.28.22 guntas was notified on 07.10.2022 under Section 19(1) of Land Acquisition Rehabilitation Act and Right to Reasonable Compensation Act, 2013 and that the respondent No.3-Revenue Divisional Officer of Devarakonda Revenue Division, Nalgonda District has admitted the claim of the petitioners and also stated that they are ready to pay the compensation.

10. Therefore, in view of the above said findings, petitioners are directed to place relevant documents in support of their title before the Revenue Divisional Officer of Devarakonda Revenue Division, Nalgonda District within a period of one (01) week from

the date of receipt of a copy of this order and after verification of the documents placed by the petitioners, respondent No.3 authority is directed to pay the compensation to the petitioners within a period of three weeks thereafter strictly in accordance to law. It is made clear that the petitioners shall also be entitled for the compensation under R&R package in terms of and Right to Reasonable Compensation Act, 2013 on par with the other land losers who are affected by the said project, if they are otherwise eligible.

11. With the above said direction, this writ petition is disposed of.

Miscellaneous applications, if any pending, shall stand closed. However, there shall be no order as to costs.

SD/-A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Revenue Department Secretariat, The State of Telangana, Hyderabad.
2. The District Collector, Nalgonda District At Nalgonda.
3. The Revenue Divisional Officer, Deverakonda Revenue Division Nalgonda District.
4. The Tahsildar, Chinthapalli Mandal Nalgonda District.
5. The Station House Officer, Chinthapalli Police Station Chinthapalli Mandal, Nalgonda District.
6. One CC to Sri Bandamidi Swamy, Advocate [OPUC]
7. Two CCs to GP for Land Acquisition, High Court for the State of Telangana, at Hyderabad [OUT]
8. Two CC to The GP for Home, High Court for the State of Telangana, at Hyderabad[OUT]
9. Two CD Copies

T J
BS

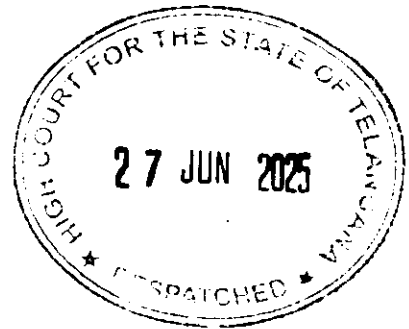
[Signature]

HIGH COURT

DATED:03/04/2025

ORDER

WP.No.35210 of 2024



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(13)

Kpv
27/6/25