

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B VIJAYSEN REDDY

WRIT PETITION NOS: 5415 & 2389 OF 2020

WP. NO. 5415 OF 2020:

Between:

1. B. Shyam Sundar Reddy, S/o Sanjeeva Reddy,
 2. B. Malla Reddy, S/o Late Ram Reddy,
 3. K. Sathyanarayana Reddy, S/o Late Ram Reddy,
 4. Mallampally Ailaiah, S/o Late Ilaiah,
- All are residents of Bahilampur Village, Mulugu mandal, Siddipet District, (erstwhile Medak), Telangana State

Petitioners

AND

1. State of Telangana, Represented by its Principal Secretary, Revenue Department (J.A and L.A), T.S Secretariat Buildings, Hyderabad
2. State of Telangana, Represented by its Principal Secretary, Irrigation and CAD Department, T.S. Secretariat Buildings, Hyderabad
3. Commissioner, Rehabilitation and Resettlement, Government of Telangana, Buddha Bhavan, Ranigunj, Hyderabad
4. District Collector, Siddipet District, Siddipet
5. District Joint Collector and Administrator, R and R, Siddipet District, Siddipet
6. Competent Authority and Revenue Divisional Officer, Gajwel, Division, Siddipet District
7. Mandal Tahasildar, Mulugu Mandal, Siddipet District
8. Superintendent Engineer, Kaleshwaram Project, Construction Circle No 3, Irrigation and CAD Department, Gajwel, Siddipet 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 or order more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in passing compensation awards under Section 23 and 30 of Act 30 of 2013 for the residential houses of the petitioners in Bahilampur Village, Mulugu Mandal, in violation of Section 23A and rules therein, proceeding to deposit compensation with the competent authority and to pass R and R awards under Section 31 without following due process of law and without considering petitioners' representations as illegal, unconstitutional, against principles of natural justice and consequently set aside the award proceeding No. D/1274/2018 dated 11-11-2019, award notice dated 16-12-2019 and R and R notice dated 20-11-2019 and direct the respondent authorities to initiate and complete the negotiation process with the petitioners for compensation and R and R under Section 23A and 31A of amended Act 21 of 2017, before taking possession and causing submergence of their houses under acquisition;

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the writ petition, the High Court may be pleased to direct the respondents not to take any coercive steps against the petitioners, including removal of essential infrastructure like roads, water supply, electricity connections, communication lines etc., and causing submergence of the houses of the petitioners in Bahilampur Village, Mulugu Mandal, Siddipet District, pending disposal of WP. No. 5415 of 2020, on the file of the High Court.

W.P. NO. 2389 OF 2020

Between:

1. Aedla Pochaiiah, S/o. Sailu,
2. Aedla Venkataiah, S/o. Sailu,
3. Aedla Yadagiri, S/o. Sailu,
4. Aedla Mallaiah, S/o. Sailu,
5. Aedla Kistaiah, S/o. Narsaiah,
6. Aedla Ramaswamy, S/o. Narsaiah,
7. Bollam Balanarsaiah, S/o. Narsaiah,
8. Bollam Raghupathi, S/o. Narsaiah,
9. Bade Chandraiah, S/o. Balnarsu,
10. Jeedikanti Pochaiiah, S/o. Kistaiah,
11. Dacharam Balnarsaiah, S/o. Anjaiah,
12. Dacharam Balaiah, S/o. Kondaiah,
13. Dacharam Ramulu, S/o. Kondaiah,
14. Dacharam Mallaiah, S/o. Kondaiah,
15. Tammala Srinivas, S/o. Ballingam,
16. Mothukuri Ramachary, S/o. Ramakistaiah,
17. Pachimadla Balnarsaiah, S/o. Bhumaiah,
18. Pachimadla Srinivas, S/o. Balnarsaiah,
19. Pachimadla Krishna, S/o. Balnarsaiah,
20. Vanteru Devi Reddy, S/o. Venkatanarsareddy
21. Yedla Mallaiah, S/o. Rajamallaiah,
22. Bollam Susheela, W/o. Balnarsaiah,

All are residents of Mamidyala Village, Mulugu mandal, Siddipet District, (erstwhile Medak), Telangana State

Petitioners

AND

1. State of Telangana, Represented by its Principal Secretary, Revenue Department (J.A and L.A), T.S Secretariat Buildings, Hyderabad
2. State of Telangana, Represented by its Principal Secretary, Irrigation and CAD Department, T.S. Secretariat Buildings, Hyderabad
3. Commissioner, Rehabilitation and Resettlement, Government of Telangana, Budha Bhavan, Rani Gunj, Hyderabad
4. District Collector, Siddipet District, Siddipet
5. District Joint Collector, and Administrator, R and R, Siddipet District, Siddipet
6. Competent Authority and Revenue Divisional Officer, Gajwel, Division, Siddipet District
7. Mandal Tahasildar, Mulugu Mandal, Siddipet District
8. Superintendent Engineer, Kaleshwaram Project, Construction Circle No. 3, Irrigation and CAD Department, Gajwel, Siddipet 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 or order more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in passing compensation awards under Section 23 and 30 of Act 30 of 2013 for the residential houses of the petitioners in Mamidiyala Village, Mulugu Mandal, in violation of Section 23A and rules therein, proceeding to deposit compensation with the competent authority and to pass R and R awards under Section 31 without following due process of law and without considering the petitioners' representations as illegal, unconstitutional and consequently set aside the award proceeding No. D/ 1388/2018-9 dated 11-11-2019, notice dated 16-12-2019 and R and R notice dated 20-11-2019 and direct the respondent authorities to initiate and complete the negotiation process with the petitioners for compensation and R and R under Section 23A and 31A of amended Act 21 of 2017 before taking possession and causing submergence of their houses under acquisition;

IA NO: 1 OF 2020:

Petition under Section 151 of CPC, praying that in the circumstances stated in the writ petition, the High Court may be pleased to direct the respondents not to take any coercive steps against the petitioners, including removal of essential infrastructure like roads, water supply, electricity connections, communication lines etc., and causing submergence of the houses of the petitioners in Mamidyala village, Mulugu Mandal, Siddipet District and not to deposit the compensation amount before the competent authority under Section 77 (2) of Act 30 of 2013, pending disposal of WP. No. 2389 of 2020 on the file of the High Court.

These petitions coming on for hearing, upon perusing the petitions and the affidavits filed therein, and upon hearing the arguments of Sri CH. Ravi Kumar, Advocate for the Petitioners in both the petitions, and of Sri B.S. Prasad, Advocate General, for the Respondents in both the petitions, the Court made the following;

ORDER:

“A common affidavit has been filed by Mr. P. Venkatarama Reddy, the District Collector, Siddipet. The same shall be taken on record. A memo has also been filed by the petitioners dated 06.05.2020. The same shall be taken on record.

Mr. Venkatarama Reddy, the learned District Collector, submits that in the layout, presently, all the houses have been allotted. Although allottees may not have occupied these two bedroom houses, but nonetheless, presently, no two bedroom house can be allotted to the petitioners. The nearest place where two bedroom houses are available is Gajwel.

By order dated 01.05.2020, this Court had directed the District Collector to shift the petitioners to Gajwel. However, the learned counsel for the petitioners submits that Gajwel, being 14 to 15 k.ms. away from the present layout, is quite a distance for the petitioners to cover. Therefore, they would find it extremely difficult to supervise the constructions of their own houses on the plots allotted to them. He further submits that the plots allotted to them are likely to be inundated in case of heavy rain. Therefore, he prays that since there are still other plots lying vacant in other parts of the layout, the petitioners may be adjusted in those other plots, rather than, in the plots which have been earmarked, and allotted to them presently.

Considering the statement made by Mr. P. Venkatarama Reddy, Mr. Reddy is directed to submit an affidavit with regard to the two bedroom houses which are already constructed, along with a list of allottees in the present layout. He is further directed to inform this Court with regard to the availability of vacant plots, and their exact location in the layout which may be made available to the petitioners.

Considering the fact that at the nearest place, namely Gajwel, two bedroom houses are readily available, this Court is of the opinion that present petitioners, who have been given only one bedroom presently, can

be reconsidered and can be provided with two bedroom houses at Gajwel. However, considering the fact that the petitioners may find it difficult to travel from Gajwel, to the present layout, Mr. Venkatarama Reddy, the learned District Collector is directed to consider the making of arrangements for their transportation from Gajwel to the present layout so that the petitioners would be in a position to supervise the constructions of their houses at the layout. When this suggestion was made to Mr. Reddy, Mr. Ravi Kumar, the learned counsel for the petitioners, seeks time to seek further instructions from his parties.

Hence, list these cases on 13.05.2020.”

Sd/- THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
Sd/- SRI JUSTICE B VIJAYSEN REDDY

//TRUE COPY//


REGISTRAR (JUDICIAL)


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department (J.A and L.A), State of Telangana, T.S Secretariat Buildings, Hyderabad
2. The Principal Secretary, Irrigation and CAD Department, State of Telangana, T.S. Secretariat Buildings, Hyderabad
3. The Commissioner, Rehabilitation and Resettlement, Government of Telangana, Budha Bhavan, Rani Gunj, Hyderabad
4. The District Collector, Siddipet District, Siddipet
5. The District Joint Collector, and Administrator, R and R, Siddipet District, Siddipet
6. The Competent Authority and Revenue Divisional Officer, Gajwel, Division, Siddipet District
7. The Mandal Tahasildar, Mulugu Mandal, Siddipet District
8. The Superintendent Engineer, Kaleshwaram Project, Construction Circle No. 3, Irrigation and CAD Department, Gajwel, Siddipet District. (Addressees 1 to 8 BY RPAD)
9. Two CCs to Advocate General, High Court of Telangana, at Hyderabad (OUT)
10. One CC to Sri Ch. Ravi Kumar, Advocate (OPUC)
11. Two Spare Copies

HIGH COURT

HC,J
&
BVRJ

DATE: 07.05.2020

NOTE: POST ON 11-05-2020

ORDER

WP. NOS. 5415 & 2389 OF 2020

DIRECTION

