

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

FRIDAY, THE FIRST DAY OF MAY  
TWO THOUSAND AND TWENTY

**:PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE A.ABHISHEK 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:**

**“By order dated 27.04.2020, this Court had directed the District Collector, Siddipet to look into the grievance of the petitioners with regard to the alternate sites/plots/ homes being offered to them by the State Government. For, according to the petitioners, the sites/plots/homes being offered were falling within the Full Tank Level (‘FTL’) zone. Therefore, this Court had also directed the Collector to take necessary action, and to protect the interests of the petitioners and if necessary, to shift them to a safer place. This Court had also granted time to the petitioners till the evening of 01.05.2020 to shift from their village to the temporary accommodation being provided by the Government.**

**Mr. Ravi Kumar, the learned counsel for the petitioners, informs this Court that on 29.04.2020, the petitioners had met the District Collector, Siddipet, and had submitted a representation to him, wherein they have voiced some of their concerns. They had been asking the Collector to show them the temporary houses allotted, and to show them the alternate sites/plots/homes as the temporary houses being allotted to them, according to the petitioners, fall within the FTL zone. The Collector directed them to meet the Revenue Divisional Officer. Therefore, they also met the Revenue Divisional Officer on 28.04.2020. However, instead of resolving their problems, the Revenue Divisional Officer threatened them that they should be ready to leave their village at 10:00 a.m. on 29.04.2020 failing which they will have to face consequences. Despite the fact that the Revenue Divisional Officer was informed by the petitioners that the Court has given them time till 01.05.2020 to shift from their village, the Revenue Divisional Officer did not pay any heed to their statement. Instead, the Revenue Divisional Officer threatened them that he would inform the police that the petitioners had come as a group, and were not following social distancing.**

In the representation, the petitioners further pointed out that some of their family members did not get the R&R package till date.

Furthermore, according to the learned counsel, instead of resolving the issues being raised by the petitioners, on 30.04.2020 i.e. yesterday, about 500 police personnel descended on the village; they destroyed the houses of the petitioners; dragged them out and asked them to shift to the temporary accommodations being provided by the State. Therefore, they have been taken out of their village, their houses were destroyed, and they have been left to fend for themselves. Furthermore, despite the promise of the Collector that they will be shifted to two bedroom houses, which are readily available, so far, the petitioners have not been shifted. Immediately, upon coming to know of these facts, the learned counsel for the petitioners had informed the learned Advocate General. The learned Advocate General was kind enough to assure the learned counsel for the petitioner that he will look into the matter.

Mr. B.S. Prasad, the learned Advocate General, is not in a position to inform this Court whether the statement being made by the learned counsel for the petitioners with regard to the forceful eviction of the petitioners from their village is correct or not?

Therefore, this Court directs Ms. Saritha, IV Additional District Judge, Siddipet, to immediately go to the concerned village, or to the place where the petitioners have been shifted by the district administration, and to record the statements of the petitioners under Section 164 of Cr.P.C. with regard to the way they have been dealt with, both by the Collector and especially, by the Revenue Divisional Officer. A report with regard to what has transpired between 27.04.2020 and 01.05.2020 should be submitted by the IV Additional District Judge, Siddipet. The IV Additional District Judge is further directed to take photographs of the dwelling houses of the petitioners. The said report shall be submitted by her on or before 06.05.2020.

Meanwhile, the District Collector is directed to carry out the following directions of this Court failing which a serious view shall be taken by this Court.

(i) to immediately shift the petitioners to the two bedroom houses available at Gajwel town;

(ii) to permit the petitioners to collect whatever belongings left at their houses, which are needed by them,

(iii) to ensure that sufficient food-grains, essential commodities, medicines are made readily available to the petitioners so while they are without a roof over their head, and trying to adjust to a new place, to a new locality, and trying to put their life back to normalcy, they do not

face the difficulties of having sufficient food items to survive without these essential items especially in view of the lockdown being observed in the State.

Mr. CH. Ravi Kumar, the learned counsel submits that in W.P. No. 2389 of 2020, petitioner Nos. 5, 6 and 20 are tenants and were not living in houses owned by them. However, he prays that even these petitioners should be granted temporary accommodation in two bedroom houses at Gajwel town. Therefore, the District Collector is directed to provide them temporary accommodation in two bedroom houses at Gajwel town. However, it is clarified that merely because they are given temporary accommodation, they cannot claim any equity in their favour in future.

In case, any of these directions are not complied with by the District Collector, the District Collector is directed to appear before this Court along with the Revenue Divisional Officer on 07.05.2020.

List this case on 07.05.2020.

Sd/- THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND

Sd/- SRI JUSTICE A.ABHISHEK REDDY

//TRUE COPY//

  
REGISTRAR (JUDICIAL) 01/05/2020

  
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. Ms. Saritha, IV Additional District Judge, Siddipet (By SPEED POST)
10. Two CCs to Advocate General, High Court of Telangana, at Hyderabad (OUT)
11. One CC to Sri Ch. Ravi Kumar, Advocate (OPUC)
12. Two Spare Copies

HIGH COURT

HC,J  
&  
AAR,J

DATE: 01.05.2020

NOTE: POST ON 07-05-2020

ORDER

WP. NOS. 5415 & 2389 OF 2020

DIRECTION

