

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

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 22680 OF 2021

Between:

1. Nannuri Venkat Ram Reddy, S/o. Satyanarayan Reddy, Aged about 51 years, Occ. Agriculture. R/o. Gudapur Village, Munugodu Mandal, Nalgonda District -508 244).
2. Nnnuri Manjo Kumar, S/o. Nannuri Venkat Ram Reddy, Aged about 23 years, Occ. Student. R/o. Gudapur Village, Munugodu Mandal, Nalgonda District - 508 244).

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue (JA and LA) Department, Secretariat, Hyderabad.
2. The District Collector, Nalgonda District, at Nalgonda.
3. The Executive Engineer, MB Grid Division, Nalgonda District, at Nalgonda.
4. The Dy. Executive Engineer, Nalgonda District, at Nalgonda.

...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 a Writ in the nature of Mandamus, declaring the action of the Respondents 3 and 4 in trying to lay the Pipeline in the agricultural land in Sy. No. 339/E, admeasuring Ac. 2-19 Gts., situated at P. Domalapally Village, Nalgonda Mandal of the Petitioners approximately 35 from the Mid-point of the R and B Road contrary to the Pipeline being laid from Nalgonda to Kompally, Munugodu Village as being arbitrary, illegal and violative of Articles 14, 19(1) (g), 21 and 300-A of the Constitution of India and consequently direct the Respondents not to lay the Pipeline in the land of the Petitioners in Sy. No. 339/E, admeasuring Ac. 2-19 Gts., situated at P. Domalapally Village, Nalgonda Mandal, without acquiring the land required for augmentation of UDAYA SAMUNDRAM sub-segment.

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 direct the Respondents not to lay the pipeline from the Petitioners in Sy. No. 3391E, admeasuring Ac. 2-19 Gts., situated at P. Domalapally Village, Nalgonda Mandal.

Counsel for the Petitioners: SRI A.RAVINDER REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 & 4: GP FOR LAND ACQUISITION

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.22680 of 2021

ORDER:

This writ petition is filed to declare the action of respondent Nos.3 and 4 in trying to lay pipeline in the land of the petitioners in Survey No.339/E, admeasuring Acs.2.19 guntas situated at P.Domalapally Village, Nalgonda Mandal, without taking any steps in accordance with law to acquire the said land.

2. Heard learned counsel for the petitioners; learned Government Pleader for Revenue appearing for respondent Nos.1 and 2; and learned Government Pleader for Land Acquisition appearing for respondent Nos.3 and 4.

3. The petitioners contend that the petitioners are owners and pattadars of land to an extent of Acs.2-19 guntas in Survey No.33/E situated at P.Domalapally Village, Nalgonda Mandal, and that the respondents are trying to lay a pipeline through the petitioners' land to augment water for Udaya Samudram Project being undertaken under Mission Bhagiratha Scheme; that in the process of laying pipeline for such augmentation, the respondents are seeking to lay the pipeline from the land of the petitioners without acquiring the said land, in spite of the letter dated 18.08.2021, addressed by the 3rd respondent to the 2nd respondent to acquire the right of user in respect of the said land of the petitioners for laying of water grid pipeline.

4. Learned Government Pleader appearing for respondent Nos.3 and 4, on written instructions, submits that the 3rd respondent had submitted an application to the 2nd respondent to accord permission for laying of pipeline and the same is in due process. By the said written instructions, it

is also stated that since the petitioners' borewells are present along with alignment of the pipeline, the authorities have decided to lay the pipeline for augmentation beyond 33 feet from the midpoint of the road and the same would not cause any physical loss of land to the petitioners.

5. Having regard to the submissions made as above, it is seen that the State of Telangana had passed Act No.6 of 2015 to provide for acquisition of right of user in land for laying of pipelines for supplying drinking water to Municipalities, Gram Panchayats, Habitations and to meet the demands of Industries and for matters connected therewith or incidental thereto, under which the authorities are required to acquire the right of user in any land in which such pipelines are to be laid by issuance of notification declaring its intention to do so.

6. In the facts of the present case, it is not disputed that no steps under the said enactment have been taken as of today.

7. Having regard to the said submissions and considering the scope of Act No.6 of 2015, the respondents are hereby directed not to lay the pipeline from the land of the petitioners without initiating steps under the Act of 6 of 2015 and by following the due process of law as envisaged therein.

8. Accordingly, the Writ Petition is allowed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

SD/-K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (JA and LA) Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Nalgonda District, at Nalgonda.
3. The Executive Engineer, MB Grid Division, Nalgonda District, at Nalgonda.
4. The Dy. Executive Engineer, Nalgonda District, at Nalgonda.
5. One CC to Sri A. Ravinder Reddy, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CCs to GP for Land Acquisition, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies
9. One Spare Copy

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Handwritten signature/initials

HIGH COURT

DATED:29/10/2021

ORDER

WP.No.22680 of 2021



ALLOWING THE WP
WITHOUT COSTS

11
16/12/21
Hvt