

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

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 18930 OF 2013

Between:

1. Rohini Santosh, S/o. Papaiah, Age 28 years, Occ Agriculture
2. B.Laxmaiah, S/o. Biju, Age 60 years, Occ Agriculture
3. Lekun Laxman, S/o. Maidu, Age 55 years, Occ Agriculture,

All the petitioners are R/o. Moasam Village of Kagaznagar, Adilabad District.

...PETITIONER

AND

1. The Government of Andhra Pradesh, Rep. by its, Principle Secretary to the Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Collector, Adilabad District, Adilabad.
3. The Sub Collector, Asifabad, Adilabad District.
4. The Revenue Divisional Officer, Asifabad Division, Asifabad, Adilabad District.
5. The Tahsildar, Kagaznagar Mandal, Kagaznagar, Adilabad District.
6. The Deputy Executive Engineer, Minor Irrigation, Manchirial, Adilabad 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 an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondents in not taking any steps for payment of compensation to the extent of lands i.e., 30 cents in Sy. No. 121/~~120~~ of my land, an extent of 25 cents in Sy. No. 93/1 and an extent of 30 cents in Sy. No. 95/~~128~~ of the petitioners No. 1 to 3 merged in construction of tank in Moasam village of Kagaznagar Mandal Adilabad District, or allotting equal extent of lands to the petitioners having equal value in the same

village, is nothing but arbitrary illegal null and void and violative of Articles 14, 19, 21 and 300 A of the Constitution of India.

I.A. NO: 1 OF 2013(WPMP. NO: 23149 OF 2013)

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 either to pay compensation or to allot equal extent of lands of the petitioners No. 1 to 3, 30 cents in Sy.No. 121/ 80 of my land, an extent of 25 cents in Sy. No. 93/1 and an extent of 30 cents in . Sy. No. 95/ 88 of the petitioners No.1 to 3 merged in construction of tank in Moasam village of Kagaznagar Mandal Adilabad District merged in construction of the tank.

Counsel for the Petitioner : M/s.K.VENUMADHAV

Counsel for the Respondents No.1to5 : ASST. GP FOR REVENUE

Counsel for the Respondent No.6 : GP FOR IRRIGATION & COMM AREA DEV

The Court made the following: ORDER

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.18930 of 2013

ORDER:

This writ petition is filed seeking following relief:

to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondents in not taking any steps for payment of compensation to the extent of lands i.e., 30 cents in Sy.No.121/es of my land an extent of 25 cents in Sy.No.93/1 and an extent of 30 cents in Sy.No.95/es of the petitioners No.1 to 3 merged in construction of tank in Moasam village of Kagaznagar Mandal, Adilabad District or allotting equal extent of lands to the petitioners having equal value in the same village is nothing but arbitrary, illegal, null and void and violative of Articles 14, 19, 21 and 300 A of the Constitution of India

2. Heard K.Venumadhav, learned counsel for the petitioners and learned Assistant Government Pleader for Revenue appearing on behalf of respondent Nos.1 to 5 and learned Assistant Government Pleader for Irrigation appearing on behalf of respondent No.6.

3. Learned counsel for the petitioner submits that petitioners are the owners and possessors of the agricultural lands to an extent of Acs.4.00 cents in Survey No.121/es, Acs.4.25 cents in Survey No.93/1 and Acs.1.75 cents in Survey No.95/es, situated at Moasam

Village, Kagaznagar Mandal, Adilabad District and they are doing agricultural activities and eeking out their livelihood.

3.1. He further submits that there is Mamidivagu in Shivar of Moasam Village and about three years ago, respondent authorities converted the said vagu into a tank/cheruvu and also dug two canals. Lands of several farmers were merged and the respondents paid compensation to some of the farmers though the petitioners were also affected in the said tank, the respondents have not paid the compensation and deleted their names from the list. At that stage the petitioners have approached respondent Nos.3 and 5 and submitted representation on 03.12.2012 requesting them to pay compensation to them on par with other farmers.

3.2. In spite of the same, respondent Nos.3 and 5 have not taken any steps to consider the claim of the petitioners without any valid reasons and the action of respondents is gross violation of Article 14, 21 and 300-A of Constitution of India.

4. *Per contra*, learned Assistant Government Pleader for Revenue submits that respondent Nos.3 and 5 will

consider the representation submitted by the petitioners dated 03.12.2012, in accordance with law and requested this Court to grant reasonable time.

5. In view of the above said submissions, without going into the merits of the case, respondent Nos.3 and 5 are directed to consider the representation submitted by the petitioners dated 03.12.2012 and pass appropriate orders, in accordance with law, after giving opportunity to the petitioners within a period of two(2) months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary to the Revenue Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2. The District Collector, Adilabad District, Adilabad.
3. The Sub Collector, Asifabad, Adilabad District.
4. The Revenue Divisional Officer, Asifabad Division, Asifabad, Adilabad District.
5. The Tahsildar, Kagaznagar Mandal, Kagaznagar, Adilabad District.
6. The Deputy Executive Engineer, Minor Irrigation, Manchirial, Adilabad District.
7. One CC to SRI K.VENUMADHAV, Advocate. [OPUC]
8. Two CCs to GP FOR REVENUE, High Court for the State of Telangana. [OUT]
9. Two CCs to GP FOR IRRIGATION & COMM AREA DEV, High Court for the State of Telangana. [OUT]
10. Two CD Copies.

BSK

GJP



HIGH COURT

DATED:28/03/2024



ORDER

WP.No.18930 of 2013

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

14
28/3/24
BKB