

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

WEDNESDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 18431 OF 2020

Between:

1. Smt.Gonela Komala, W/o. Sarangapani, aged 38 years
2. Keerthi Poshaiiah, S/o. Yellaiah, aged 60 years
3. Kukkala Komuraiah, S/o Venkataiah, aged 69 years
4. Smt. Macharla Chinna Kanakamma, W/o. Chinna Mallaiah, aged 56 years
5. Keerthi Mogali, Mallaiah, Aged 45 years
6. Rachakonda Chinna Sammaiah, S/o Durgaiah, aged 68 years
7. Dontharaboina Sambaiah, W/o Veeraiah, aged 48 years,

(All are living by cultivation, R/o Dharmaraopet, Venkateswarapalle,
Ghanapuram Mandal, Jayashankar Bhupalpally district

...PETITIONERS

AND

1. State of Telangana, Rep by its Prl. Secretary to Government, Revenue. (L.A.)
Department, Secretariat, Hyderabad.
2. The District Collector, Jayashankar Bhupalpally district, Bhupalpally.
3. The Revenue Divisional Officer, Jayashankar Bhupalpally district
4. The Tahsildar, Singareni Mandal, Jayashankar Bhupalpally district
5. Singareni Collieries Limited, Red Hills, Hyderabad, Rep by its Chairman and
Managing Director
6. The General Manager, Singareni Collieries Ltd, Bhupalpally, Jayashankar
Bhupalpally district.
7. Pegyapuram Yellaiah, S/o Siddaiah, Age 52 years, Occ: Agriculture, R/o
H.No.5-34/1, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet,
Dharmaraopet, Warangal District.
8. Gajula Bhadracharya, S/o Gajula Rayamallu, Age 77 years, Occ: Agriculture, R/o
H.No.5-67, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet,
Dharmaraopet, Warangal District.
9. Gajula Mallaiah, S/o Gajula Lingaiah, Age 59 years, Occ: Agriculture, R/o
H.No.5-70/2, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet,
Dharmaraopet, Warangal District.
10. Gajula Ravi, S/o Gajula Sampath, Age 55 years, Occ: Agriculture, R/o
H.No.5-66/1, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet,
Dharmaraopet, Warangal District.

(Respondent Nos.7 to 10 impleaded as per Court Order, dated 04.01.2023 in
I.A.No.1 of 2022.)

...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 of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents 1 to 6 herein action of the respondents in taking steps to pay compensation to the persons, other than the pattadars, under the premise that their names are shown as enjoyers of the land, despite bringing to their notice, we are pattedars of the subject land and either the Petitioners or their families are cultivating the said land for more than 50 years is illegal and arbitrary and the purport of Act 30/2013 i.e., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and for a consequential direction to the respondents to pay compensation to the land owners whose names are recorded as pattedars in revenue records in respect of the lands (i.e., land to an extent of Ac.1.00 in Sy.No.318/III/A/2 (Khata No.2559), the 2nd Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No.318/III/A/7 (Khata No.1290), the 3rd Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No.318/III/A (Khata No.1284), the 4th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No.318/III/A/4 (Khata No.1288), the 5th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No.318/III/A/3 (Khata No.1287), the 6th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/7 (Khata No.712), the 7th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No.318/III/A/6 (Khata No.1289) situated at Dharmaraopet, Venkateswarapalle, Ghanapuram Mandal, Jayashankar Bhupalpally district).

IA NO: 1 OF 2020

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 to pay compensation to the land owners whose names are recorded as pattedars in revenue records in respect of the lands (i.e., land to an extent of Ac.1.00 in Sy.No.318/III/A/2 (Khata No.2559), the 2nd Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/7 (Khata No.1290), the 3rd Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A (Khata No.1284), the 4th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/4 (Khata No.1288), the 5th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/3 (Khata

No.1287), the 6th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/7 (Khata No.712), the 7th Petitioner is the owner of the land to an extent of Ac.1.00 in Sy.No. 318/III/A/6 (Khata No.1289), situated at Dharmaraopet, Venkateswarapalle, Ghanapuram Mandal, Jayashankar Bhupalpally district), pending disposal of the Writ Petition.

IA NO: 2 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 suspend the MemO Rc No A/SC/56/2018, dated 28/06/2021 issued by the 3rd respondent and direct the respondents 1to 6 to pay compensation in terms of the Final Report vide Rc No B/312/2021, dated 21/01/2021 submitted by the 4th respondent to the 3rd respondent pending disposal of the Writ Petition.

IA NO: 1 OF 2021

Between:

- 1 Smt.Gonela Komala, W/o. Sarangapani, aged 38 years
- 2 Keerthi Poshaiiah, S/o. Yellaiah, aged 60 years
- 3 Kukkala Komuraiah, S/o Venkataiah, aged 69 years
- 4 Smt. Macharla Chinna Kanakamma, W/o. Chinna Mallaiah, aged 56 years
- 5 Keerthi Mogali, Mallaiah, Aged 45 years
- 6 Rachakonda Chinna Sammaiah, S/o Durgaiah, aged 68 years
- 7 Dontharaboina Sambaiah, W/o Veeraiah, aged 48 years,

(All are living by cultivation, R/o Dharmaraopet, Venkateswarapalle, Ghanapuram Mandal, Jayashankar Bhupalpally district

...PETITIONERS

AND

- 1 State of Telangana, Rep by its Prl. Secretary to Government, Revenue. (L.A.) Department, Secretariat, Hyderabad.
- 2 The District Collector, Jayashankar Bhupalpally district, Bhupalpally.
- 3 The Revenue Divisional Officer, Jayashankar Bhupalpally district
- 4 The Tahsildar, Singareni Mandal, Jayashankar Bhupalpally district
- 5 Singareni Collieries Limited, Red Hills, Hyderabad, Rep by its Chairman and Managing Director
- 6 The General Manager, Singareni Collieries Ltd, Bhupalpally, Jayashankar Bhupalpally district.

...Respondents

- 7 Singareni Babu Rao, S/o Veera Rao, R/o Ghanapuram Village & Mandal, G. Jayashakar Bhupalpally District.

**...Respondent/
Proposed Respondent No.7**

Petition under Section 16-A of Writ Rules, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Implead Sirigineni Babu Rao (Proposed R7) as Respondent No 7 in the above Writ Petition and the pending I.As.

IA NO: 2 OF 2022

Between:

- 1 State of Telangana, Rep by its Prl. Secretary to Government, Revenue. (L.A.)
Department, Secretariat, Hyderabad.
- 2 The District Collector, Jayashankar Bhupalpally district, Bhupalpally.
- 3 The Revenue Divisional Officer, Jayashankar Bhupalpally district
- 4 The Tahsildar, Singareni Mandal, Jayashankar Bhupalpally district

...Petitioners/Respondents

AND

1. Smt.Gonela Komala, W/o. Sarangapani, aged 38 years
2. Keerthi Poshaiah, S/o. Yellaiah, aged 60 years
3. Kukkala Komuraiah, S/o Venkataiah, aged 69 years
4. Smt. Macharla Chinna Kanakamma, W/o. Chinna Mallaiah, aged 56 years
5. Keerthi Mojali, S/o Mallaiah, Aged 45 years
6. Rachakonda Chinna Sammaiah, S/o Durgaiah, aged 68 years
7. Dontharaboina Sambaiah, W/o Veeraiah, aged 48 years,

(All are living by cultivation, R/o Dharmaraopet Venkateswarapalle, Ghanapuram Mandal, Jayashankar Bhupalpally district

- 8 Singareni Collieries Limited, Red Hills, Hyderabad, Rep by its Chairman and Managing Director
- 9 The General Manager, Singareni Collieries Ltd, Bhupalpally, Jayashankar Bhupalpally district.

...Respondents/Respondents

- 10 Pegyapuram Yellaiah, S/o Siddaiah, Age 52 years, Occ: Agriculture, R/o H.No.5-34/1, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet, Dharmaraopet, Warangal District.
- 11 Gajula Bhadracharya, S/o Gajula Rayamallu, Age 77 years, Occ: Agriculture, R/o H.No.5-67, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet, Dharmaraopet, Warangal District.
- 12 Gajula Mallaiah, S/o Gajula Lingaiah, Age 59 years, Occ: Agriculture, R/o H.No.5-70/2, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet, Dharmaraopet, Warangal District.
- 13 Gajula Ravi, S/o Gajula Sampath, Age 55 years, Occ: Agriculture, R/o H.No.5-66/1, Madhavaopalli, Ghanapur Mulugu, Dharmaraopet, Dharmaraopet, Warangal District.

...Respondents

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 direction dated 10/11/2021 passed in IA.No.2 of 2021 in W.P.No.18431 of 2020.

Counsel for the Petitioners: SMT. SUJATHA KURAPATI

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

**Counsel for the Respondent Nos.5 & 6: SRI P. SRI HARSHA REDDY,
SC FOR SINGARENI COLLIERIES**

Counsel for the Respondent Nos.7 to 10: SRI AJGAL RAVI BABU

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.18431 of 2020

ORDER:

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Land Acquisition appearing for respondent Nos.1 to 4 and Sri P.Sri Harsha Reddy, learned Standing Counsel appearing for respondent Nos.5 and 6.

2. The subject land admeasuring Ac.15-17 guntas along with certain other extents of lands are sought to be acquired by issuing a preliminary notification under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act') in File No.A/SC/56/2018, dated 26.01.2020 by the respondents. Out of the said extent of Ac.15-17 guntas, an award has already been passed covering the land to an extent of Ac.7-00 and in respect of balance extent of Ac.08-17 guntas, no award has been passed. The petitioners in this writ petition are claiming compensation for the land to an extent of Ac 7-00.

3. According to learned counsel for the petitioners, petitioner No.6 has already been paid compensation in respect

of Ac.1-00 of land. Hence, there is no necessity to adjudicate the claim in respect of petitioner No.6 is concerned.

4. Insofar as claim for payment of compensation in respect of remaining extent of land is concerned, as the award is yet to be passed by respondent Nos.2 and 3, it is for the petitioners as well as the impleaded respondents to make a claim before respondent Nos. 2 and 3 at the first instance and in case, if the dispute is not resolved among the petitioners and impleaded respondents, it is obligatory on the part of respondent No.3 to refer the matter to the authority constituted under Section 64 of the Act, 2013, for adjudication on the apportionment and entitlement of compensation. In the event of such reference, it is always open for the petitioners as well as impleaded respondents to approach the said authority and make their claim petitions and on being made, it is for the authority to adjudicate the respective claim petitions and pass appropriate orders thereon.

5. In the circumstances, this Court is not inclined to adjudicate the claim of the petitioners as well as the impleaded respondents and accordingly, the Writ Petition is disposed of directing respondent Nos.2 and 3 to receive the claims from the petitioners as well as impleaded respondents and, in case if the

dispute is not resolved among themselves, after passing the award under Section 23 of the Act, 2013, to refer the matter to the authority under Section 64 of the Act, 2013 for entitlement of compensation by the petitioners as well as impleaded respondents in respect of the subject property. There shall be no order as to costs.

Miscellaneous petitions, if any, pending writ petition shall stand closed.

SD/-P.PADMANABHA REDDY
ASISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The District Collector, Jayashankar Bhupalpally district, Bhupalpally.
2. The Revenue Divisional Officer, Jayashankar Bhupalpally district
3. One CC to Smt Sujatha Kurapati, Advocate [OPUC]
4. Two CCs to GP for Land Acquisition, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri P. Sri Harsha Reddy, SC for Singareni Collieries [OPUC]
6. One CC to Sri Ajgal Ravi Babu, Advocate [OPUC]
7. Two CD Copies

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HIGH COURT

DATED:04/01/2023

ORDER

W.P.No.18431 of 2020



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(10) Copies

Sm
10/2/23