

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE FOURTH DAY OF MARCH TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAO
AND
THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 5546 OF 2022

Between:

1. Vuppu Lingaiah, S/o. Sri Vuppu Rajamallu.
2. Maidam Anjaiah, S/o. Sri Maidam Mallaiah.
3. Arukuti Yellaiah, S/o. Sri Arukuti Lingaiah.
4. Kencha Ellaiah, S/o. Sri Kencha Ilaiah.
5. Oggari Narsaiah, S/o. Sri Oggari Rajaiah.
6. Varukanti Rajaiah, S/o. Sri Varukanti Chinna Lingaiah.
7. Arukuti Lingaiah, S/o. Sri Arukuti Pedda Rajaiah.
8. Varukanti Rajamallu, S/o. Sri Varukanti Rajaiah.
9. Arukuti Bhoodamma, D/o. Sri Arukuti Rajaiah
10. Velichala Vidyasagar Rao, S/o. Sri Velichala Venkateswara Rao.
11. Velichala Vishnu Seshu Rao, S/o. Sri Velichala Hanumantha Rao.
12. Velichala Bhagwan Rao, S/o. Sri Velichala Hanumantha Rao.
13. Velichala Vamshidhar Rao, S/o. Sri Velichala Vidyasagar Rao.
14. Velichala Damodhar Rao, S/o. Sri Velichala Hanumantha Rao.

Petitioners**AND**

1. The State of Telangana, Rep. by the Principal Secretary, Department of Revenue (Land Acquisition), T.S. Secretariat, Hyderabad.
2. The State of Telangana, Rep. by the Principal Secretary, Irrigation and CAD Department, T.S. Secretariat, Hyderabad
3. The District Collector, Karimnagar District, Karimnagar.
4. The Land Acquisition cum Revenue Divisional Officer, Karimnagar.
5. The Additional Collector, Mukarampura, Karimnagar, Telangana 505001
6. Engineer-In-Chief (Irrigation), Irram Manzil Colony, Punjagutta. Hyderabad, Telangana 500082
7. Union of India, Rep. by its Secretary, Ministry of Jal Shakti, Shram Shakti Bhavan, Rafi Marg. New Delhi - 110001

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,

A. To declare the Notification vide proceedings No.B1/4124/2021 dated 14/12/2021 issued by the Respondent Nos.3 - 5 invoking jurisdiction under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (hereinafter referred to as 2013 Act)

notifying the properties of the Petitioners in Kurikyala Village, Gangadhara Mandal, Karimnagar District for acquisition for undertaking line modification, Cross Drainage (CD) and Cross Masonry (CM) works to draw additional 1.1 TMC water allegedly under the Kaleshwaram Project-II Package IV as being illegal, arbitrary, unconstitutional and in violation of the provisions of Act, 2013 as also being contrary to the order dated 20/10/2020 in Appeal No 20 of 2018 of the National Green Tribunal, Delhi and the Environment Impact Assessment rules notified vide Gazette Notification dated 14/09/2006, and

B. Consequently to set aside the proceedings No.B1/4124/2021 dated 14.12.2021 issued by the Respondent Nos.3 - 5 invoking jurisdiction under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013,(hereinafter referred to as 2013 Act) notifying the properties of the Petitioners in Kurikyala Village, Gangadhara Mandal, Karimnagar District for acquisition for undertaking line modification, Cross Drainage (CD) and Cross Masonry (CM) works to draw additional 1.1 TMC water allegedly under the Kaleshwaram Project-II Package IV as being illegal, arbitrary, unconstitutional and in violation of the provisions of Act, 2013, and

C. Consequently direct the Respondents herein not to interfere with the Petitioners ownership, possession and enjoyment of the lands in their possession.

IA NO: 1 OF 2022

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/stay the operation of the proceedings No.B1/4124/2021 dated 14/12/2021, issued by the Respondent Nos.3 - 5, notifying the properties of the Petitioners in Kurikyala Village, Gangadhara Mandal. Karimnagar District including consequential actions for acquisition for undertaking line modification, Cross Drainage (CD) and Cross Masonry (CM) works to draw additional 1.1 TMC water allegedly under the Kaleshwaram Project-II Package IV, pending disposal of WP 5546 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dt. 25-02-2022 made herein and upon hearing the arguments of Sri G. Vidyasagar, Senior Counsel for Sri SOURABH AGARWAL, Advocate for the Petitioners and the ADDL ADVOCATE GENERAL for the Respondent Nos.1 to 6, the Court made the following

ORDER:

Heard learned senior counsel Sri G. Vidyasagar for petitioners and learned Additional Advocate General for respondents.

Interim direction granted earlier is extended for a period of one week. List on 08-03-2022.

//TRUE COPY//

**Sd/- K. SAILESHI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI SOURABH AGARWAL Advocate [OPUC]
 2. Two CCs to ADDL ADVOCATE GENERAL, High Court at Hyderabad. (OUT)
 3. Two spare copies
- mvj



HIGH COURT

PNRJ & Dr.SAJ

DATED:04/03/2022

List on 08-03-2022

ORDER

WP.No.5546 of 2022

EXTENSION OF DIRECTION

