

(2022) 06 TEL CK 0045
In the Telangana High Court
Case No : Writ Petition (Pil) No. 148 Of 2018

Mahabubnagar District Palamoori Migrant Labour Union	APPELLANT
Vs	
State Of Telangana	RESPONDENT

Date of Decision : 15-06-2022

Acts Referred:

Constitution Of India, 1950 — Article 14, 19, 21

Citation : (2022) 06 TEL CK 0045

Hon'ble Judges : Satish Chandra Sharma, CJ; Abhinand Kumar Shavili, J

Bench : Division Bench

Advocate : P Shashi Kiran

Final Decision : Disposed Of

Judgement

The petitioner before this Court – Mahabubnagar District Palamoori Migrant Labour Union, has filed this writ petition stating that the agricultural labourers and other persons who have lost their employment as well as agricultural land on account of Palamoor – Ranga Reddy Lift Irrigation Scheme and Kaleshwaram Project have not been extended the benefit of rehabilitation and resettlement scheme. It has been stated that the action of the respondents is in violation of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the 2013 Act") as well as it is violative of Articles 14, 19 and 21 of the Constitution of India.

The petitioner has prayed for the following relief:-

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents herein in not properly and effectively identifying the agricultural labourers and all other related work families who lost their employment and affected due to procurement of thousands of extents of agricultural lands for the purpose of construction of Palamoor-Ranga Reddy Lift

Irrigation Scheme and Kaleshwaram Project and thereby not extending the benefits of Rehabilitation and Resettlement measures to the affected families other than land owners such as agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share croppers or artisans or who may be working in the affected area for the three years prior to the procurement of the land whose primary source of livelihood stood affected as being illegal, arbitrary contrary to the scheme envisaged under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and various orders issued by the Government apart from being violative of Articles 14, 19 and 21 of the Constitution of India and consequently to appoint a special committee consisting of various department officials along with the Petitioners for effective and proper identification of affected families other than land owners such as agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share croppers or artisans for extending the benefits of Rehabilitation and Resettlement measures to them in the interest of justice and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

A detailed and an exhaustive reply has been filed on behalf of the State of Telangana and it has been stated by the State Government that they have followed the prescribed procedure under the 2013 Act. The State Government has issued G.O.Ms.No.123, Revenue Department, dated 30.07.2015, which provides for welfare measures to those families whose livelihood is affected on account of acquisition which includes agricultural labourers, artisans and more particularly the people belonging to the Scheduled Castes, Scheduled Tribes and Backward Classes working as labourers who do not own any land in the submerged village and have been residing in the area for the last three years. It has been stated that a wide publicity was given by the State Government to the aforesaid Act and another Government Order was issued i.e., G.O.Ms.No.38, Revenue Department, dated 14.02.2017. The Government Order dated 14.02.2017 empowers the Collectors and Joint Collectors to conduct a survey and undertake a census of families affected by land acquisition and the list of such identified affected families shall also be notified. It has also been stated on an affidavit that a liberty was also granted to everyone to submit a representation within fifteen days from such notification to put forth their claim and the authorities were directed to decide their claim in accordance with law. It has been stated that G.O.Ms.No.38, dated 14.02.2017, is applicable to the families who were working in the affected areas for three years prior to procurement of land and whose primary source of livelihood stands affected by such procurement and the detailed methodology adopted by the Government also finds place in the matter. Meaning thereby, the State Government has taken appropriate steps by constituting rehabilitation and resettlement committees and after notifying the list of project affected families, representations were also received from as many as 115 landless labourers and they were identified as persons having lost their livelihood because of the land acquired under the

project. The State Government has stated that they have implemented the rehabilitation and resettlement scheme in respect of such people and in case any individual is aggrieved in the matter, he is certainly free to take shelter of the scheme and to approach the Collector in the matter.

This Court, after careful consideration of the reply filed by the State Government, as the State Government has taken appropriate steps for rehabilitation and resettlement of the project affected families, is of the opinion that no further orders are required to be passed in the present case. However, it is made clear that in case any individual is aggrieved in the matter, he shall be free to approach the Collector of the District by filing an appropriate application and if such an application is preferred, the same shall be decided in accordance with law.

The writ petition is accordingly disposed of.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.