

THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN

AND

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

WRIT PETITION (PIL) No.147 of 2019

ORDER: *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Mohd. Anwar Ali, learned counsel for the petitioner; Mr. P.Radhive, learned Government Pleader appearing for respondents No.1 to 3 and Mr. E.Madan Mohan Rao, learned Senior Counsel appearing for respondent No.5.

2. This writ petition has been filed in the form of public interest litigation seeking the following relief:

“It is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents No.1 to 3 to recover an amount of Rs.55,00,579/- along with interest from respondent No.5 which is paid to him illegally for acquisition of Buruju bearing H.No.1-97 located in Chintaltana Village, previously Sircilla Mandal presently Tangallapally Mandal of Rajanna Sircilla District by acting on the information provided by the petitioner as illegal, arbitrary and in violation of Article 14 of the Constitution of India and to direct the respondent No.1

to 3 to recover an amount of Rs.55,00,579 from respondent No.5 along with interest and to initiate criminal action against the respondent No.5 and officers concerned in accordance with law and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. Notice in this case was issued on 04.11.2019. On 20.12.2021, time was granted to the State to submit status report and also to inform the Court whether a Committee has been constituted to conduct enquiry into alleged wrongful payment of compensation. On 27.04.2022, this Court directed that the Committee be constituted within four weeks positively and thereafter, to submit report. On 08.06.2022, compliance report dated 07.06.2022 was filed stating that as directed by this Court a Committee was constituted vide G.O.Rt.No.159, Irrigation & CAD (LA) Department, dated 24.05.2022. The Committee had met on 30.05.2022. Prayer was made for granting two months time to complete the enquiry and thereafter to file a detailed report. Prayer sought for was granted which was extended on 10.08.2022.

4. Today, in the course of hearing, Mr. P.Radhive, learned Government Pleader submits that the high level committee has submitted the report dated 08.09.2022 which has been placed before us.

5. We have gone through the report of the committee. We find that the committee had visited the site and had gone through the affidavits and documents filed in the present proceeding as well as recorded the depositions of the following persons: Mr. A.Malliah, Mr. G.Sathaiah, Mr. K.Srinivas Rao (Senior Assistant in the office of Executive Director, SC Corporation, Karimnagar) and Mr. K.Venkateswarlu (retired Special Grade Deputy Collector). Thereafter, the committee has submitted the report. Observations and findings of the committee are as under:

"Buruju" is a watch Tower which are prevalent and found in many parts of Telangana. These watch Towers were constructed during the medieval ages for protection of the village and to observe the surrounding area from a vantage point. Many such "Buruju" are existing in Telangana which were constructed few hundred years ago and some of these structure were constructed by private persons also, to protect and safeguard their life and property. In this pertinent case

the structure bearing house No.1-97 in Chintalathana village of Rajanna Sircilla is located in Abadi Map (Annex-16) of the village and is recorded "Buruju" in the Gramapanchayat Register.

It is observed the entire village of Chintalathana village has been submerged in Mid Manair Reservoir and the residents have been relocated in a new R&R colony constructed specifically for the Project Displaced Families.

The "Buruju" bearing house No.1-97 is located adjacent to the house of Sri Haricharan Rao R/o of Chintalathana Village. The above structure was also listed in the draft notification issued for the Acquisition of structures in the village. The SDC, Karimnagar and land acquisition officer has stated that the Draft notification was issued on 18-02-2009 and the structures were taken possession in 30-06-2009 by the I&CAD Department. It is also stated that the draft award has approved on 28-02-2017.

The then SDC and land acquisition officer has stated that as a quasi Judicial Authority he has conducted the award enquiry in the Grama Panchayat Office in presence of Sarpanch and village elders and at that time nobody had raised any objection regarding H.No.1-97 and that the Sarpanch has issued a certificate of ownership accordingly. The SDC (Retd.) also stated that during enquiry the villagers have stated that the "Buruju" was constructed by the ancestors of Sri Haricharan Rao and the structure in question is

abutting his residential house and within the precincts of their private property. He has further stated in his written deposition that the GP record is only for collection of property tax and does not confer or establish ownership rights.

The SDC (Retd.) has concluded that after conducting and concluding the award enquiry and after perusing the concerned records and inspecting the physical condition of the structure and due to non receipt of any objection petitions the actual name of the owner was identified and included in the draft award and allowed payment for the structure in good faith.

In his written deposition Sri. S.Venkateshwarlu, Special Collector (Retd.) stated that as per office procedures draft awards received in the office shall be processed, scrutinized and DN/DD examined as per norms and after verification of the estimates the draft awards are approved. He has further stated that in this particular case, no one has submitted any objection or claim petition during award enquiry and that the SDC/LAO has recognized the ownership rights of this structure. The draft award submitted by the SDC/LAO on 28.02.2017 was approved in good faith. He has also claimed that the role of the Special Collector under the land acquisition is supervisory in nature.

Further, the local enquiry Report of the Revenue Divisional Officer, Sircilla Dt: 30.07.2022 revealed that the structure bearing house no.1-97 is now submerged under Mid Manair Reservoir and on verification of the

available record of the house no.1-97, notified as "Buruju" (Stone wall and Brick) with a plinth area of 77.0 Sq yard and open area of 10 sq. yards. He further stated that in the Gram Panchayat records, the name of the owner of the said "Buruju" is not recorded. The village elders in their depositions have revealed that the said Buruju (security Post) was constructed by the forefathers of Sri. Hari Charan Rao within their premises, amidst their residential houses so as to safeguard their own properties as they were the then "Wathandars/Zamindars [Land Lords] of that period. Since then the said Buruju had been in their possession until it was submerged into Mid Manair Reservoir. As stated by the villagers the said "Buruju" is called as "Buruju illu" as the Buruju is attached with tiled house and sheds within the premises of H.No 1-97. The said structure with H.No.1-97 fell to the share of Sri. Haricharan Rao in the family partition. As such the compensation was awarded.

The Committee visited the site on 03.06.2022. At the time of the visit, the waters of Mid Manair had receded and the submerged village of Chintalathana was partially visible. During the visit the 3 Men Committee observed that the structures including the "Buruju" has already collapsed due to prolonged submergence in water. The 3 Men Committee has also inspected the Abadi maps, scrutinized the deposition of all the concerned stakeholders, award copies along with the reports of the Revenue Divisional Officer, Sircilla and officers concerned.

The structure estimates, were also examined and the net value of the Structure was only Rs. 13,22,417, but has come to Rs.55,00,579 after adding solatium and interest.

Therefore, after careful scrutiny of the records, material available also based on the reports of the RDO, Sircilla and forwarded by the District Collector, Rajanna Sircilla there is no ambiguity in the ownership and the payments are consistent for the structure bearing 1-97 of Chintalathana village of Thangallapalli Mandal, Rajanna Sircilla District.”

6. From the above, we find that though the net value of the structure (buruju) was Rs.13,22,417.00, ultimate compensation was quantified at Rs.55,00,579.00 after adding solatium and interest. According to the high level committee, there is no ambiguity in the ownership of the structure and that the payments were made consistent with the record and in accordance with law.

7. At this stage, learned counsel for the petitioner submits that the depositions given by Mr. A.Malliah and Mr. G.Sathaiah were not appreciated in the correct

manner. In other words, petitioner is disputing the report of the high level committee.

8. In this public interest litigation we are not inclined to enter into such disputed questions. If the petitioner is aggrieved by the report furnished by the high level committee, he may avail his remedy before the appropriate forum, if permissible under law. But, we are of the view that continuation of the public interest litigation would no longer be justified.

9. Accordingly, public interest litigation is disposed of.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

UJJAL BHUYAN, CJ

C.V.BHASKAR REDDY, J

12.09.2022

VS