

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION Nos.14670 and 24626 of 2021

Date: 28.07.2026

W.P. No.14670 of 2021:

Between:

Kanemoni Saradamma and others ... Petitioners

AND

The State of Telangana, represented by its
Principal Secretary, Revenue Department (L.A. & J.A.),
Secretariat Buildings, Hyderabad and others
... Respondents

W.P. No.24626 of 2021:

Between:

Sanda Vajramma and others ... Petitioners

AND

The State of Telangana, represented by its
Principal Secretary, Revenue Department (L.A. & J.A.),
Secretariat Buildings, Hyderabad and others
... Respondents

COMMON ORDER

Heard Sri CH. Ravi Kumar, learned counsel appearing for the petitioners in both the writ petitions, the learned Advocate General appearing for the respondents, Sri M. Srikanth Reddy, learned Standing Counsel appearing for the Telangana State Industrial Infrastructure Corporation (for short, "TGIIC"), and perused the material available on record.

2. Since these two writ petitions arise out of the land acquisition proceedings initiated for establishment of the Hyderabad Green Pharma City project and involve common questions of fact and law, and as the issues raised in both the writ petitions are interconnected, they were heard together and are being disposed of by this common order.

BRIEF FACTS:

3. In W.P. No.14670 of 2021, the petitioners seek a writ of mandamus declaring the action of the respondent authorities in issuing declarations under Section 19(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the Act of 2013”) in respect of agricultural lands situated in Medipally and Kurmidda Villages, without following the mandatory procedure prescribed under the Act and without preparing and notifying a Rehabilitation and Resettlement Scheme for the project affected families, as illegal, arbitrary and unconstitutional. The petitioners consequently seek to set aside the declarations published in the respective District Gazettes and for a direction to the respondents to consider their objections and comply with the requirements under Sections 16, 17, 18 and 31 of the Act of 2013 before

finalizing the acquisition proceedings and taking possession of the subject lands.

4. In W.P. No.24626 of 2021, the petitioners similarly challenge the declarations issued under Section 19(1) of the Act of 2013 in respect of agricultural lands situated in Medipally Village for the proposed Hyderabad Green Pharma City project. They also question the action of the respondents in proceeding to take possession of lands acquired under the Act of 2013 as well as lands procured through agreements under G.O.Ms.No.45, Industries Department, G.O.Ms.No.123, Revenue Department and the provisions of the Telangana Land Acquisition (Amendment) Act, 2017 (Act 21 of 2017), without complying with the Rehabilitation and Resettlement provisions contained in the Act of 2013. The petitioners accordingly seek to set aside the impugned declarations and for a consequential direction to the respondents to comply with the requirements under Sections 15, 16, 17, 18 and 31/31A of the Act of 2013 before taking possession of the subject lands.

5. The case of the petitioners is that they are landless agricultural labourers and project affected families whose livelihood is entirely dependent upon the agricultural lands situated in Medipally and Kurmidda Villages, Yacharam Mandal, proposed to be acquired for establishment of the Hyderabad Green

Pharma City. It is contended that apart from working as agricultural labourers on the subject lands, the petitioners also depend upon the lands for collection of biomasses for household and cattle use and are beneficiaries under the Mahatma Gandhi National Rural Employment Guarantee Scheme (for short, “MGNREGS”). They, therefore, claim to fall within the definition of “affected family”, “person interested” and other eligible categories under Sections 3(c), 3(g)/3(q) and 3(x) of the Act of 2013, and to be consequently entitled to the statutory safeguards relating to Rehabilitation and Resettlement (for short, “R&R”).

6. It is not in dispute that acquisition proceedings for establishment of the Hyderabad Green Pharma City were initiated from the year 2016 by resorting both to compulsory acquisition under the Act of 2013 and to voluntary procurement under G.O.Ms. No.123 dated 30.07.2015, G.O.Ms. No.45 dated 15.07.2015 and the Telangana Amendment Act 21 of 2017. According to the petitioners, insofar as they are concerned, the mandatory provisions relating to Rehabilitation and Resettlement have been completely ignored.

7. The specific grievance of the petitioners is that despite being directly affected by the acquisition, no notices were issued to them, no Gram Sabha was convened as contemplated under Section

11(2) of the Act of 2013, no opportunity was afforded to them to submit or have their objections considered, and no enquiry was conducted regarding the impact of the acquisition on their livelihood. It is further stated that the impugned declarations under Section 19(1) came to be issued without preparation or publication of any Rehabilitation and Resettlement Scheme and without passing any Rehabilitation and Resettlement Award in their favour, and that although the declarations merely mention the number of families proposed to be rehabilitated, neither the list of such families nor the particulars of the Scheme were ever published.

8. It is also not in dispute that the petitioners had, even prior to the filing of the present writ petitions, submitted representations dated October, 2020, 19.06.2021 and 03.09.2021 before the District Collector and the concerned authorities requesting that they be recognized as project affected families, that a Rehabilitation and Resettlement Scheme be prepared in accordance with Sections 16 to 18 of the Act of 2013, and that the benefits admissible to them under the Act be determined and extended. According to the petitioners, the said representations remained unattended and no decision whatsoever was taken thereon.

9. The respondents, while opposing the writ petitions, have placed before this Court the factual position that declarations under Section 19(1) of the Act of 2013 were issued in respect of the subject lands, awards were passed during June and July, 2021, compensation of approximately Rs.1,097.82 crores was paid to the landowners, and possession of the acquired lands was taken and handed over to TGIIC under duly drawn panchanamas for implementation of the Hyderabad Green Pharma City project.

SUBMISSIONS OF THE PARTIES:

A. Submissions on behalf of the Petitioners

10. Learned counsel for the petitioners contended that the Act of 2013 is a beneficial legislation which confers rights not merely upon landowners but also upon landless persons whose livelihood is primarily dependent upon the land sought to be acquired. Placing reliance upon Sections 3(c), 3(g)/3(q) and 3(x) of the Act of 2013 and upon the Second Schedule thereto, it is submitted that the petitioners, being landless agricultural labourers dependent upon the subject lands, squarely answer the description of “affected family” and are entitled to the R&R entitlements provided thereunder irrespective of physical displacement.

11. It is submitted that the entire statutory exercise contemplated by Sections 16 to 18 of the Act of 2013 was omitted

insofar as the petitioners are concerned. No survey or census of affected families was conducted, no draft Rehabilitation and Resettlement Scheme was prepared, no objections were invited, no public hearing was held and no Rehabilitation and Resettlement Award under Section 31 came to be passed. The declarations under Section 19(1) were consequently issued in breach of the mandatory scheme of the Act and are, therefore, vitiated.

12. Learned counsel further submitted that the respondent authorities erroneously informed the petitioners that Rehabilitation and Resettlement benefits would be available only where residential houses are acquired or where landowners are displaced, and that landless agricultural labourers are not entitled to any such benefits. According to the learned counsel, the said stand is contrary to the provisions of the Act of 2013, particularly the Second Schedule, which extends certain Rehabilitation and Resettlement benefits to landless dependent families irrespective of physical displacement. Reliance is placed upon the judgments of this Court in W.A. No.677 of 2016 and W.A. No.803 of 2018, wherein it was held that possession of lands, including lands voluntarily surrendered, cannot be taken without compliance with the mandatory Rehabilitation and Resettlement provisions under the Act of 2013 and the Telangana Amendment Act.

13. It is further submitted that although acquisition proceedings commenced several years earlier, the landowners continued to remain in possession and cultivate the lands and, consequently, the petitioners continued to derive employment therefrom. It is alleged that during the year 2020, the respondent authorities hurriedly proceeded with the acquisition process and sought to take possession of the lands after payment or deposit of compensation to certain landowners, notwithstanding the pendency of litigation instituted by several landowners wherein interim orders had been granted restraining dispossession. The petitioners contend that, under the guise of such proceedings, the respondents are now attempting to take possession without first determining or extending the Rehabilitation and Resettlement benefits to the petitioners.

14. While placing reliance upon the decisions of the Hon'ble Supreme Court in *Shiv Singh v. State of Himachal Pradesh*¹ and *Union of India v. Shiv Raj*², the petitioners contend that the objections of affected persons are required to be duly considered before acquisition proceedings are concluded and that statutory provisions governing compulsory acquisition must be strictly

¹ (2018) 16 SCC 270

² (2014) 6 SCC 564

complied with. It is submitted that Section 38 of the Act of 2013 expressly prohibits taking possession of acquired lands unless compensation as well as Rehabilitation and Resettlement entitlements have been provided to all affected families. Consequently, the petitioners contend that the impugned declarations issued under Section 19(1), as well as the consequential action of the respondents in seeking to take possession of the lands without complying with the mandatory Rehabilitation and Resettlement provisions, are illegal, arbitrary and liable to be set aside.

15. Insofar as W.P. No.24626 of 2021 is concerned, the petitioners additionally contend that even in respect of lands procured through negotiated purchase under G.O.Ms. No.45 and G.O.Ms. No.123, the respondents cannot dispense with compliance of the Rehabilitation and Resettlement provisions under the Act of 2013 and Section 31A of the Telangana Amendment Act, and that possession of such lands also cannot be taken without extending the statutory Rehabilitation and Resettlement benefits to the project affected families, including the petitioners.

16. The learned counsel for the petitioners lastly contended that the very public purpose underlying the impugned acquisition proceedings has undergone a fundamental change. It is submitted

that the subject lands were originally sought to be acquired for establishment of the Hyderabad Green Pharma City project, whereas the State Government has subsequently proposed to develop a Future City over the same lands. According to the petitioners, such change in the public purpose renders the original acquisition proceedings unsustainable, as the acquisition can no longer be justified on the basis of the purpose for which the notifications were issued. It is, therefore, contended that the respondents are required to initiate fresh acquisition proceedings from the stage of issuance of the preliminary notification by following the entire procedure prescribed under the Act, including compliance with the provisions relating to Social Impact Assessment, consideration of objections, and Rehabilitation and Resettlement.

B. Submissions on behalf of the Respondents:

17. Per contra, the learned Advocate General appearing for the respondents submitted that the petitioners have directly invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India without first approaching the competent authority under the provisions of the Act of 2013 for adjudication of their claim that they are project affected families entitled to Rehabilitation and Resettlement benefits. According to the respondents, the grievance raised by the petitioners essentially

involves disputed questions of fact relating to their status as landless agricultural labourers, their dependence upon the acquired lands, and their eligibility for Rehabilitation and Resettlement benefits, which cannot be adjudicated in writ proceedings.

18. The learned Advocate General further contended that the impugned acquisition proceedings had already attained finality prior to institution of the present writ petitions. It is submitted that declarations under Section 19(1) of the Act of 2013 were issued in respect of the subject lands, awards were passed during June and July, 2021, compensation was paid to the landowners, and possession of the acquired lands was taken and handed over to TGIIC under duly drawn panchanamas. Having approached this Court only after completion of the acquisition proceedings, the petitioners cannot now seek to challenge the preliminary notifications or the declarations under Section 19 of the Act. In this connection, reliance is placed upon the judgment of the Division Bench of this Court in *Kallem Chandra Reddy v. Union of India and batch*³.

19. It is further submitted that the petitioners cannot contend that they had no knowledge of the acquisition proceedings. Placing

³ W.P. No.7617 of 2010: TSHC: 14.02.2024

reliance upon the decision of the Hon'ble Supreme Court in *Sawaran Lata v. State of Haryana*⁴, it is contended that acquisition of such a large extent of land involving numerous landowners would necessarily have been within the knowledge of persons residing in the locality and, therefore, the petitioners cannot plead ignorance of the acquisition proceedings.

20. The respondents further contend that the acquisition has been undertaken strictly in accordance with the provisions of the Act of 2013 and that substantial public funds have already been expended towards payment of compensation. It is submitted that after payment of compensation amounting to approximately Rs.1,097.82 crores, the acquired lands have been handed over to TGIIC for implementation of the Hyderabad Green Pharma City project and that, consequently, by application of the doctrine of impossibility, the declarations under Section 19 of the Act cannot now be set aside after completion of the acquisition proceedings and transfer of possession.

21. It is further contended that the petitioners have failed to establish their *locus standi*. According to the respondents, except producing MGNREGS job cards, no material has been placed on record to demonstrate that the petitioners were agricultural

⁴ (2010) 4 SCC 532

labourers dependent upon the acquired lands or that they fall within the definition of project affected families under the Act of 2013. It is submitted that MGNREGS job cards merely entitle the holders to guaranteed employment and do not establish dependence upon the subject lands.

22. The respondents also submit that acquisition has been undertaken only in four villages out of twenty villages in Yacharam Mandal and that substantial agricultural lands continue to remain available in the surrounding villages. It is contended that the petitioners are not deprived of all employment opportunities and may continue to engage in agricultural work in the neighbouring villages, and that establishment of the proposed Pharma City would itself generate significant employment opportunities for the local population.

23. The learned Advocate General, however, fairly submitted that if the petitioners have submitted representations claiming Rehabilitation and Resettlement benefits, the same may be examined by the competent authority in accordance with law and, if they are found eligible under the Act of 2013, appropriate benefits may be extended to them. It is, however, contended that such claims cannot furnish a ground to invalidate acquisition proceedings that have already attained finality.

POINTS FOR DETERMINATION:

24. In the light of the pleadings, the rival submissions advanced at the Bar and the material available on record, the following Points arise for determination:

- (i) *Whether the petitioners, who claim to be landless agricultural labourers dependent upon the acquired lands, have the locus standi to maintain these writ petitions, and whether the writ petitions are maintainable?*
- (ii) *Whether the impugned declarations issued under Section 19(1) of the Act of 2013 are liable to be set aside on the ground of non-compliance with the mandatory provisions relating to Rehabilitation and Resettlement contained in Sections 16 to 18 and 31 of the Act, having regard to the fact that awards have been passed, compensation has been paid and possession of the acquired lands has been taken and handed over to the requiring body?*
- (iii) *Whether the alleged change in the public purpose underlying the acquisition renders the acquisition proceedings unsustainable and obliges the respondents to initiate fresh proceedings from the stage of the preliminary notification?*
- (iv) *Whether lands procured through negotiated purchase under G.O.Ms. No.45 and G.O.Ms. No.123 and under the Telangana Amendment Act 21 of 2017 stand excluded from the operation of the*

Rehabilitation and Resettlement provisions of the Act of 2013?

- (v) *Whether the claim of the petitioners for Rehabilitation and Resettlement benefits involves disputed questions of fact requiring determination by the statutory authority and, if so, to what relief are the petitioners entitled?*

ANALYSIS AND FINDINGS:

Point No.(i)

Whether the petitioners, who claim to be landless agricultural labourers dependent upon the acquired lands, have the locus standi to maintain these writ petitions, and whether the writ petitions are maintainable?

25. The objection relating to *locus standi* may be taken up first, since it goes to the very entertainability of the writ petitions. The contention of the respondents is that the petitioners, being neither landowners nor persons holding any interest in the subject lands, and having produced nothing beyond MGNREGS job cards, cannot be heard to question the acquisition.

26. This Court is unable to accept the submission in the broad form in which it is advanced. The Act of 2013 marks a deliberate legislative departure from the earlier regime under the Land Acquisition Act, 1894, which was largely confined to compensating persons holding title. The definition of “affected family” in Section

3(c) of the Act of 2013 expressly takes within its fold not merely landowners but also agricultural labourers, tenants, share-croppers and artisans whose primary source of livelihood stands affected by the acquisition, and the expressions “person interested” and cognate expressions in Sections 3(x), 3(g) and 3(q) have been correspondingly widened. A landless agricultural labourer asserting dependence upon the acquired land is, therefore, not a stranger to the acquisition but a person upon whom the statute itself confers substantive entitlements.

27. Once the legislature has conferred such entitlements, the corresponding right to have the claim considered by the statutory authority necessarily follows. It would be incongruous to hold that a person for whose benefit Sections 16 to 18 and the Second Schedule have been enacted has no standing whatsoever to complain that the statutory exercise mandated by those provisions was never undertaken. *Locus standi*, in this context, is to be tested with reference to the nature of the right asserted and not with reference to the ultimate success of the claim.

28. At the same time, the submission of the respondents that the petitioners have not, so far, placed material establishing their dependence upon the subject lands is not without substance. Whether MGNREGS job cards, by themselves, demonstrate that

the petitioners were engaged as agricultural labourers on the acquired lands, and whether their primary source of livelihood stood affected by the acquisition, are matters requiring verification of records and appreciation of evidence. That, however, is a reason for directing an enquiry into the claim, and not a reason for shutting out the petitioners at the threshold.

29. This Court, accordingly, holds that the petitioners have the *locus standi* to approach this Court for the limited purpose of seeking consideration and determination of their claim to Rehabilitation and Resettlement entitlements under the Act of 2013, and that the writ petitions are maintainable to that extent. Point No.(i) is answered accordingly.

Point No.(ii)

Whether the impugned declarations issued under Section 19(1) of the Act of 2013 are liable to be set aside on the ground of non-compliance with the mandatory provisions relating to Rehabilitation and Resettlement contained in Sections 16 to 18 and 31 of the Act, having regard to the fact that awards have been passed, compensation has been paid and possession of the acquired lands has been taken and handed over to the requiring body?

30. It is pertinent to note that Sections 16 to 18 of the Act of 2013 cast a mandatory obligation upon the Administrator for

Rehabilitation and Resettlement to conduct a survey and census of affected families, to identify landowners as well as landless persons whose livelihood is primarily dependent upon the acquired land, to prepare the draft Rehabilitation and Resettlement Scheme after inviting objections and conducting public hearings, and to submit the same for approval, whereafter the Collector is required to pass the Rehabilitation and Resettlement Award under Section 31. The statutory scheme thus envisages an independent determination of the entitlement of every affected family to Rehabilitation and Resettlement benefits before such benefits are finally determined.

31. The scheme of the Act leaves no room for treating this exercise as an optional or purely departmental formality. The declaration under Section 19 is itself required to be published along with a summary of the Rehabilitation and Resettlement Scheme, and Section 38 forbids the Collector from taking possession of the acquired land until the entitlements relating to compensation as well as Rehabilitation and Resettlement have been provided for. The identification of affected families is, therefore, a step which the statute places anterior to the declaration and to the taking of possession, and not one which may be deferred to the convenience of the acquiring authority.

32. Admittedly, insofar as the petitioners are concerned, no such exercise has been undertaken despite their repeated representations. The material placed before this Court does not disclose that any survey or census identifying landless persons dependent upon the subject lands was conducted, or that the claim of the petitioners was examined and rejected upon any enquiry. The grievance of the petitioners is, therefore, not merely against denial of Rehabilitation and Resettlement benefits, but against the complete failure of the statutory authorities to undertake the exercise mandated under the Act.

33. The question, however, is whether that circumstance justifies setting aside the impugned declarations issued under Section 19(1) at this distance of time. On this aspect, several features of the record assume significance. The declarations were followed by awards passed during June and July, 2021; compensation of approximately Rs.1,097.82 crores has been disbursed to the landowners; possession of the acquired lands has been taken under duly drawn panchanamas; and the lands have since been handed over to TGIIC for implementation of the project. The petitioners approached this Court only at that stage.

34. The consequence of setting aside the declarations would not be confined to the petitioners. It would unsettle a completed

acquisition of a very large extent of land, reopen awards in favour of numerous landowners who have received compensation and who are not before this Court, and disturb the vesting of the lands in the State and their transfer to the requiring body. Relief under Article 226 of the Constitution of India is discretionary, and this Court would be slow to grant a relief whose principal effect would be to prejudice persons who are strangers to this litigation and to render infructuous the substantial public expenditure already incurred. The submissions of the learned Advocate General founded upon the finality of the proceedings, and the decisions relied upon by him, are relevant in this context.

35. This Court is also unable to hold that the petitioners were wholly unaware of an acquisition of this magnitude in their own villages, spread over several years. Their own pleadings show that they were addressing representations to the District Collector from October, 2020 onwards. To that extent, the challenge to the declarations, laid for the first time in the year 2021 after the awards came to be passed, suffers from delay for which no satisfactory explanation is forthcoming.

36. It is, however, necessary to emphasise what the refusal to set aside the declarations does not mean. The obligation of the statutory authorities to identify affected families and to determine

and extend Rehabilitation and Resettlement entitlements is not extinguished merely because the acquisition has been completed and possession has been taken. That obligation is owed to each affected family individually, and its discharge in respect of the petitioners does not depend upon the survival or otherwise of the declarations under Section 19(1). An enquiry into the entitlement of the petitioners, followed by an appropriate award under Section 31 in the event they are found eligible, is fully capable of being undertaken even now, and would afford them substantial and effective relief.

37. A writ court moulds relief so as to redress the real grievance without causing disproportionate public injury. The real grievance of the petitioners is that their claim has never been examined by anyone. That grievance can be, and ought to be, redressed by directing the competent authority to undertake the enquiry mandated by the statute, rather than by annulling declarations upon which a completed acquisition and the rights of numerous third parties rest.

38. Accordingly, Point No.(ii) is answered by holding that the impugned declarations issued under Section 19(1) of the Act of 2013 are not liable to be set aside at the instance of the petitioners, but that the statutory obligation of the respondent authorities to

determine the Rehabilitation and Resettlement entitlements of the petitioners, if any, survives and remains to be discharged.

Point No.(iii)

Whether the alleged change in the public purpose underlying the acquisition renders the acquisition proceedings unsustainable and obliges the respondents to initiate fresh proceedings from the stage of the preliminary notification?

39. The contention founded upon an alleged change in the public purpose from the Hyderabad Green Pharma City project to a proposed Future City does not, in the opinion of this Court, advance the case of the petitioners. In the first place, the plea rests upon subsequent proposals said to have been made by the State Government, and no material has been placed before this Court to establish that the purpose for which the subject lands were acquired has in fact been abandoned or substituted.

40. Secondly, and more fundamentally, a plea of this nature is one which ordinarily arises at the instance of persons whose lands have been acquired and who complain that their property has been taken for one purpose and applied to another. The petitioners assert no title to the subject lands. Their claim is founded upon dependence for livelihood, and the Rehabilitation and Resettlement entitlements which they seek are not affected one way or the other

by the identity of the project ultimately established. Further, the Act of 2013 itself contains provisions dealing with the consequences of unutilised acquired land, and any grievance in that behalf would have to be worked out in the manner and at the instance contemplated by the statute.

41. This Court, therefore, holds that the alleged change in public purpose furnishes no ground for interfering with the impugned acquisition proceedings in these writ petitions or for directing initiation of fresh proceedings from the stage of the preliminary notification. Point No.(iii) is answered against the petitioners, leaving open all questions in that behalf to be agitated by such persons as may be entitled to raise them, in appropriate proceedings.

Point No.(iv)

Whether lands procured through negotiated purchase under G.O.Ms. No.45 and G.O.Ms. No.123 and under the Telangana Amendment Act 21 of 2017 stand excluded from the operation of the Rehabilitation and Resettlement provisions of the Act of 2013?

42. The contention urged in W.P. No.24626 of 2021 raises a distinct question, namely, whether the mode by which the State secures the land, that is, compulsory acquisition on the one hand and negotiated purchase or voluntary surrender on the other,

makes any difference to the Rehabilitation and Resettlement entitlement of persons dependent upon that land for their livelihood.

43. The answer must, in the opinion of this Court, be governed by the object which the Rehabilitation and Resettlement provisions are designed to serve. Those provisions are addressed not to the transaction by which land changes hands, but to the displacement of livelihood which results when land under cultivation is taken over for a project. A landless agricultural labourer working upon a particular parcel of land loses his source of livelihood equally, whether the landowner is divested compulsorily or parts with the land under a negotiated arrangement. To construe the statute as leaving such a person remediless merely because the requiring body found it convenient to procure the land by agreement would defeat the very purpose of the enactment and would place the discharge of a statutory obligation at the option of the acquiring authority.

44. It is precisely this principle which appears to underlie the decisions of this Court in W.A. No.677 of 2016 and W.A. No.803 of 2018 relied upon by the petitioners, wherein it has been held that possession of lands, including lands voluntarily surrendered, cannot be taken without compliance with the mandatory

Rehabilitation and Resettlement provisions of the Act of 2013 read with the Telangana Amendment Act. To what extent the entitlements provided under the Second Schedule attach in respect of any particular parcel procured under G.O.Ms.No.45 or G.O.Ms.No.123, and the effect of Section 31A of the Telangana Amendment Act thereon, will necessarily depend upon the terms on which such lands were procured and upon the material to be placed before the competent authority.

45. Point No.(iv) is, accordingly, answered by holding that the claim of the petitioners to Rehabilitation and Resettlement entitlements cannot be rejected merely on the ground that a part of the lands comprising the project was procured through negotiated purchase, and that the competent authority shall examine their claim without regard to the mode by which the lands came to be secured for the project.

Point No.(v)

Whether the claim of the petitioners for Rehabilitation and Resettlement benefits involves disputed questions of fact requiring determination by the statutory authority and, if so, to what relief are the petitioners entitled?

46. This Court is of the opinion that the question whether the petitioners satisfy the requirements of Section 3(c) of the Act as

“affected families”, whether they are landless agricultural labourers, whose livelihood was primarily dependent upon the acquired lands, and whether they are entitled to Rehabilitation and Resettlement benefits, involves disputed questions of fact requiring verification of records and appreciation of evidence. Such an enquiry falls primarily within the jurisdiction of the statutory authorities entrusted with implementation of the Act and cannot appropriately be undertaken for the first time in proceedings under Article 226 of the Constitution of India.

47. The identification of affected families under the Act of 2013 is not a matter of impression. It involves a survey and census, examination of revenue and other records, verification of the extent and continuity of dependence, and an opportunity to the persons concerned as well as to the requiring body to place material and to be heard. The statute has entrusted that exercise to designated authorities and has prescribed the manner in which it is to be carried out. A writ court, proceeding upon affidavits, is not equipped to substitute itself for that machinery.

48. That, however, cannot become a reason for leaving the petitioners without a forum. The respondents themselves do not dispute that a person answering the description of an affected family is entitled to have his claim examined, and the learned

Advocate General has fairly submitted that the representations of the petitioners may be examined by the competent authority in accordance with law. The difficulty in the present case has arisen not from any adverse decision upon the claim of the petitioners, but from the total absence of any decision at all over a period of nearly two years, which by itself is indefensible. Statutory authorities are expected to deal with representations invoking statutory entitlements within a reasonable time and to communicate reasoned decisions thereon.

49. Accordingly, Point No.(v) is answered by holding that the claim of the petitioners involves disputed questions of fact which must be determined by the competent statutory authority, and that the petitioners are entitled to a direction in that behalf.

CONCLUSION:

50. In the above circumstances, instead of adjudicating the disputed factual issues in the present writ proceedings, this Court considers it appropriate to remit the matter to the District Collector, who is the authority responsible for implementation of the provisions relating to Rehabilitation and Resettlement under the Act. The District Collector shall treat the representations already submitted by the petitioners as representations invoking the statutory provisions of the Act, conduct an appropriate enquiry

in accordance with Sections 3(c), 16, 17, 18 and 31 of the Act, afford reasonable opportunity of hearing to the petitioners as well as all other interested persons, permit them to place such documentary and oral evidence as they may rely upon, and thereafter pass a reasoned order in accordance with law. If, upon such enquiry, the petitioners are found to be eligible affected families within the meaning of the Act, consequential steps shall be taken for extending to them such Rehabilitation and Resettlement benefits as are admissible under the Act and the Rules framed thereunder.

51. For the reasons recorded while answering Points No.(i) to (v), the challenge to the declarations issued under Section 19(1) of the Act of 2013 fails, while the claim of the petitioners to have their entitlement to Rehabilitation and Resettlement benefits determined in accordance with law is upheld, and the writ petitions are disposed of accordingly.

RESULT AND DIRECTIONS:

52. Accordingly, the writ petitions are disposed of with a direction to the District Collector to consider the representations submitted by the petitioners, conduct an enquiry into their claim for Rehabilitation and Resettlement benefits in accordance with the provisions of the Act, 2013, preferably within a period of three (03)

months from the date of receipt of a copy of this order. If the petitioners have not submitted any such representations as mentioned above, the petitioners are permitted to submit fresh representations within a period of four (04) weeks from the date of receipt of a copy of this order.

53. Upon receipt thereof, the District Collector shall conduct an enquiry into the petitioners' claim for Rehabilitation and Resettlement benefits in accordance with the provisions of the Act, 2013, particularly Sections 3(c), 16 to 18 and 31 thereof, after affording an opportunity of hearing to all concerned, and pass a reasoned order in accordance with law, preferably within a period of three (03) months thereafter.

54. It is made clear that this Court has not expressed any opinion on the merits of the petitioners' claim, and all issues are left open for consideration by the District Collector. There shall be no order as to costs.

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

VAKITI RAMAKRISHNA REDDY, J

Date: 28.07.2026
AS