

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.24610 of 2009

ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of the respondents in threatening to demolish the petitioners' buildings constructed in the private patta land admeasuring Acs.0.60 cents in Sy.No.263/7, situated in Nagari Village accounts and Mandal, Chittoor District, ignoring the orders passed by this Hon'ble Court, including the order dated 17-09-2007 in W.P. No.24136 of 2000, as illegal and arbitrary and consequently direct the respondents not to interfere with the petitioners' possession and enjoyment of the said land or alternatively acquire the said land.

In an earlier occasion when 4(1) notification was issued by the respondent for acquiring the said land, the grand mother of the 2nd petitioner approached this Court and filed W.P. No.11577 of 1983 and the same was allowed on 17-03-1986 quashing the notification issued by the respondent. Thereafter, the respondents again tried to interfere with the petitioners' possession of the land. At that time also the husband of the 1st petitioner herein and father of the 2nd petitioner herein preferred a Writ Petition No.24136 of 2000 and the same was disposed of on 17-09-2007 directing the respondents not to interfere with the petitioners' peaceful possession and enjoyment of the said land without due process of law. After the disposal of the said writ petition, now also the respondents tried to interfere with the possession of the petitioners, more particularly to the extent of Ac.0.60 cents, which was already notified in the 4 (1) notification.

The 4th respondent filed the counter claiming that the respondents have already taken possession in view of the award

passed on 24-05-1985. Even though an award was passed on 24-05-1985, the fact remains that this Court by its order dated 17-03-1986 quashed the notification. Once the notification is quashed by this Court, any acquisition proceedings by the respondents herein will not have any legality and the respondents cannot claim any right over the property. Hence, this court is of the view that the present attitude of the respondents to interfere with the possession of the petitioners, more particularly to the extent of Ac.0.60 cents is concerned, is without any jurisdiction. It is made clear that if the respondents intend to acquire the said land, necessarily it should be in accordance with law and also following the due process.

Accordingly, the Writ Petition is disposed of directing the respondents not to interfere with the petitioners' possession of the land and further if the respondents intend to take possession of the same, then they should follow the due process. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

31st March, 2015

skmr