

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 11915 of 2011

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents, particularly the second respondent in permitting to lay road across the land of the petitioner situated in Sy.Nos. 162-6B and 163-1A2 of Kobaka Village, Yerpedu Mandal, Chittoor District, as arbitrary, illegal and contrary to the order dated 07.10.2009 passed in W.P.No.18914 of 2002; and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the said lands.

The facts in case are as under:

By an order dated 07.10.2009 passed in W.P.No.18914 of 2002 this Court held as under:

“Admittedly, second respondent did not complete enquiry under Section 5-A of the Act. It is also disputed that, after receiving notice from second respondent, petitioner filed objections raising all pleas, which were raised before this Court. That being the case, this Court is not inclined to express any opinion on contentions raised by petitioner. However, be it observed that if acquisition of land to the extent of Ac.0.17 cents, as proposed, results in vertically dividing the land of petitioner admeasuring Ac.5.21 cents, concerned authorities shall consider the possibility of acquiring Acs.0.17 cents without causing much harm to petitioner's land. It shall, however, be open to petitioner to appear before second respondent and submit additional objections and place an alternate proposal in such a manner that it does not, in any manner, prevent him from carrying on agricultural operations. If, for any reason, proposal of petitioner cannot be accepted, second respondent shall submit a report to District Collector, Chittoor District, giving reasons therefore.

Pursuant to an order passed by this Court, on 03.05.2010 the petitioner herein made a representation to the second respondent but till date no action has been taken. On the other hand, pending the said representation, some third persons tried to lay a road within the land of the petitioner stating that the second respondent has given oral instructions to lay road through the land of the petitioner. Challenging the same, the present writ petition is filed.

By an order dated 26.04.2011 this Court while issuing notice before admission, ordered status-quo as on that day to be maintained.

The counsel representing Sri V.Jagapathi, submits that suffice it would be extended the status-quo till the disposal of the representation. The Government Pleader submits that the same can be passed provided that the petitioner made a representation and the same is still pending.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the writ petition is disposed of directing the second respondent to dispose of the representation made by the petitioner pursuant to an order passed by this Court in W.P.No.18914 of 2002, if the same is still pending consideration within twelve (12) weeks from the date of receipt of a copy of the order. The order of status-quo granted earlier by this Court shall remain in force for a period of sixteen (16) weeks from today or till disposal of the representation, whichever is earlier. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

25.08.2015
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