

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO:21739 OF 2010

ORDER:

1. This writ petition is filed seeking to declare the action of respondents in taking steps to form a road in the land admeasuring Ac.0.08½ cents situated in Sy.No.270-3 of Talamarla village Kothacheruvu Mandal, Anantapur District, without acquiring the same as illegal, arbitrary and consequently, to direct the respondents not to lay road till the land is acquired.

2. It is the grievance of the petitioner that out of an extent of Ac.0.83 cents of land in Sy.No.270-3 belonged to them they sold Ac.0.83 cents of land in favour of Social Welfare Department and retained an extent of Ac.0.08 ½ cents of land and that the present Sarpanch has proposed laying the road through the land owned by them.

3. The respondents filed a counter in which it is specifically stated that the mother of the petitioner was paid compensation for Ac.0.83 cents of land that extent only, the documents were produced by the mother of the petitioner and she has also accepted the compensation. In reply learned Counsel for the petitioner submitted that the total area is Ac.0.92 cents and for the remaining Ac.0.08 cents, the petitioner is the owner and he is ready to prove that the said land belongs to him. But at the hearing of this writ petition, he could not be able to produce documents to substantiate the same.

4. In the above circumstances, this Court is of the view that if at all the petitioner has got any grievance with regard to the claim on the land in question and if the land in question is taken for the purpose of laying a road, he is at liberty to make a representation along with the relevant documents before the respondents concerned, within a period of one month from the date of receipt of a copy of this order. On such application filed, the respondents concerned are also directed to dispose of the same as early as possible preferably within a period of three months thereafter.

5. With the above direction, the Writ Petition is disposed of. No order as to costs. Consequently, the interim order dated 31.8.2010 shall stand vacated. The miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date:28.1.2015
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HONOURABLE SRI JUSTICE RALA ELANGO

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