

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Writ Petition No.41033 of 2014

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ORDER:

Petitioners claim to be owners and possessors of small extents of land in survey Nos.188/1, 188/3, 188/4, 188/5, 188/12, 188/14 & 188/16 situated at Kothavalasa Revenue Village, Parvathipuram Municipality & Mandal, Vizianagaram District. They were also issued

D-Form pattas by the respective Revenue Authorities. The 3rd respondent issued notices to the petitioners informing that the said land is proposed to be taken over by the Government for the purpose of granting house site pattas, in favour of displaced persons on account of the construction of Thotapalli Barrage. They were further directed to produce their patta documents and submit the same to the Village Revenue Officer. The petitioners' grievance is that they are small farmers and eking out their livelihood by cultivating the said land, and at any rate, no proceedings whatsoever have been initiated under the Land Acquisition Act or under any other law seeking to acquire the property, which has been in their possession and enjoyment.

Learned counsel for the petitioners submits that it is well settled by a Larger Bench of this Court that even the assigned land holders are also entitled for compensation, in case the Government desires to acquire the same._

This aspect of the matter has not been disputed by the learned Assistant Government Pleader for Revenue.

Hence, in the facts of this case, the interests of justice would be served, if a direction is issued to the respondent authorities not to

interfere with the peaceful possession and enjoyment of the petitioners over the land in question, without following the due process of law and without paying the compensation under the relevant laws as applicable. In view of the limited disposal, I am not expressing any opinion with respect to other grounds raised by the learned counsel during the course of arguments. However, the petitioners are at liberty to raise the grounds that are available in law, as and when proceedings are initiated to deprive their property.

The writ petition is accordingly disposed of. There shall be no order as to costs.

The miscellaneous petitions filed in this writ petition shall also stand disposed of.

CHALLA KODANDA RAM, J.

Date:22.01.2015
GJ