

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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WRIT PETITION No.13072 of 2015

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ORDER:

Petitioner claims to be the owner and possessor of Ac.0.2 ½ cents of land in Survey No.351 of Koppolu Revenue Village, Ongole City, Praksam District, wherein he constructed asbestos roof shed. On an earlier occasion, when the respondents tried to interfere with his possession without following due process of law, the petitioner approached this Court by filing W.P.No.16983 of 1998. The writ petition was disposed of directing the respondents not to evict the petitioner from the land in question without following due process of law. In spite of the said order, once again, the respondents are trying to interfere with the petitioner's possession over the land to lay a road. The petitioner also submitted a representation to the M.L.A., Ongole, Prakasam District and a copy thereof is also marked to the District Collector and other authorities.

Learned counsel for the petitioner submits that the possession of the petitioner shall not be interfered with, without providing alternative house site.

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It is well settled by the judgment of this Court in **LAO-cum-Revenue Divisional Officer Vs. Mekala Pandu** that even in respect of the lands assigned by the Government, the assignee is entitled to ex gratia/compensation or allotment of alternative site. When the land is required for public purpose, it is for the authorities to acquire the same in accordance with law and further by adequately compensating the assignee. The petitioner is seeking only alternative site and not the compensation.

Hence, the writ petition is disposed of with a direction to the respondents to take necessary steps to adequately compensate the petitioner in terms of

the judgment referred to above or in the alternative, consider the representation of the petitioner to provide alternative site. 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:29.04.2015

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