

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.954 OF 2015

ORDER

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This writ petition is filed for a writ of mandamus declaring the action of the 2nd respondent in laying the road in the petitioners' land i.e., Sy.No.218/1 to an extent of Ac.0-47 cents of the 1st petitioner, sy No.218/1 to an extent of Ac.0-47 cents of the 2nd petitioner and Sy.No.218/1 to an extent of 0-47 cents of the 3rd petitioner respectively situated at Anantapur Municipal Corporation Limits, Anantapur District without acquiring it under provisions of Land Acquisition Act, as illegal and arbitrary and for a consequential direction to the respondents not to lay the road in the petitioners' land without initiating land acquisition proceedings.

The case of the petitioners is that petitioners' father was the absolute owner and possessor of property and that he has executed registered will in favour of his legal heirs where in the 1st petitioner was allotted to an extent of Ac.0-47 cents in Sy.No.218/1, the 2nd petitioner was allotted to an extent of Ac.0-47 cents in Sy.No.218/1 and the 3rd petitioner was allotted to an extent of Ac.0-47 cents in Sy.No.218/1. Since then, they were in possession and enjoyment of the property as his successors. While so, the respondent authorities without issuing prior notice to the petitioners under Land Acquisition Act, are trying to lay road in their land. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submits that this Court in similar circumstances passed orders in W.P.No.3559 of 2014 directing the respondents not to dispossess the petitioners from the subject land without following due process of law.

Learned Standing Counsel for respondent Corporation, on

instructions, submits that the respondent authorities are not interfering with the petitioners' possession over their land and as of now, they are not laying road in the petitioners' land. He further submits that as and when the respondents propose to lay the road in the petitioners' land, they will follow due process of law.

Recording the said submission, and directing that the respondents shall not evict the petitioners from their land without following due process of law, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 30.01.2015

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