

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA

AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL No. 295 OF 2004

DATE: 12.02.2015

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Between:

Anisetti Butchi Raju
& another.

... Appellants

And

The District Collector,
East Godavari District,
Kakinada & others.

... Respondents

This Court made the following:

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THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT APPEAL No. 295 OF 2004

-
JUDGMENT: (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal is directed against the judgment and order of the learned Single Judge whereby and whereunder His Lordship was pleased to dismiss the writ petition directing the petitioners to approach the appropriate forum seeking appropriate remedy.

We are in agreement with the above observation of the learned Single Judge. The petitioners' land was taken over for the purpose of digging channel without resolving land acquisition proceedings. In this context, the learned Single Judge refused to give a direction to the Government to initiate land acquisition proceedings. We are told that during the pendency of the appeal the land of the petitioners, taken by the Government, has been returned. In view of such situation the question of acquisition does not and cannot arise. However, if the petitioners have any grievance with regard to deprivation of use and enjoyment of the land for any length of period, they may approach the appropriate forum as observed by the learned Single Judge.

The writ appeal is accordingly closed.

Pending miscellaneous petitions, if any, shall also stand closed.

No order as to costs.

K.J. SENGUPTA, CJ

Date: 12.02.2015
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SANJAY KUMAR, J