

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.943 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 petitioner's land i.e., Sy.No.219-9 to an extent of Ac.0-54 cents 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 petitioner's land without initiating land acquisition proceedings.

The case of the petitioner is that petitioner's father was the absolute owner and possessor of property in Sy.No.219-9 to an extent of Ac.0-54 cents situated at Anantapur Municipal Corporation Limits, which he had purchased through registered sale deed dated 08.09.1971. Since then, he was in possession and enjoyment of the property till his death. Thereafter, his legal heirs including the petitioner were enjoying the above said 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 the petitioner's land. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that this Court in similar circumstances passed orders in W.P.No.3559 of 2014 directing the respondents not to dispossess the petitioner 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 petitioner's possession over his land and as of now, they are not laying road in the petitioner's land. He further submits that as and when the respondents propose to lay the road in

the petitioner's land, they will follow due process of law.

Recording the said submission, and directing that the respondents shall not evict the petitioner from his 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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