

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15043 of 2016

ORDER :

The grievance of the petitioners is that their possession and enjoyment of the agricultural land in an extent of Ac.4-28 gts. in Sy.No.689/2 of 1st petitioner, Ac.7-28 gts. in Sy.No.689/1, Ac.11-08 gts. in Sy.No.772/A and Ac.1-15 gts. in Sy.No.772/AA of 2nd petitioner, Ac.7-28 gts. in Sy.No.689/1, Ac.11-08 gts. in Sy.No.772/A and Ac.1-15 gts. in Sy.No.772/AA of the 3rd petitioner and Ac.0-20 gts. in Sy.No.689/1, Ac.0-10 gts. in Sy.No.772/A and Ac.0-10 gts. in Sy.No.772/AA of the 4th petitioner, situated at Proddatur village of Valigonda Mandal in Nalgonda District, are sought to be interfered under the "Mission Kakatiya Project" without issuing any notice, without acquiring the land and without payment of any compensation to the petitioners.

Learned counsel for the petitioners places reliance on the order dated 08.02.2016 passed by this Court in W.P.M.P.No.4780 of 2016 in W.P.No.3741 of 2016.

Prima facie material placed before this Court discloses that the petitioners are the owners of the property and they are in possession and enjoyment of the agricultural land over an extent of Ac.4-28 gts. in Sy.No.689/2, Ac.7-28 gts. in Sy.No.689/1, Ac.11-08 gts. in Sy.No.772/A, Ac.1-15 gts. in Sy.No.772/AA, Ac.7-28 gts. in Sy.No.689/1, Ac.11-08 gts. in Sy.No.772/A, Ac.1-15 gts.

in Sy.No.772/AA, Ac.0-20 gts. in Sy.No.689/1, Ac.0-10 gts. in Sy.No.772/A and Ac.0-10 gts. in Sy.No.772/AA of Proddatur village of Valigonda Mandal in Nalgonda District. Admittedly, there are no land acquisition proceedings initiated as required under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to acquire the lands of the petitioners. In that view of the matter, the interference of the respondents with the peaceful possession and enjoyment of petitioners in any manner could be violative of the mandate of the Act and offending the rights of the petitioners under Article 300-A of the Constitution of India. At the same time, it cannot be said that the property of the petitioners cannot be acquired for public purposes.

Therefore, in the interest of justice, I deem it appropriate to direct the respondents not to undertake any works in Sy.Nos.689/1, 689/2, 772/A and 772/AA of Proddatur village of Valigonda Mandal in Nalgonda District, without putting the petitioners on notice and without acquiring their lands by paying due compensation to them.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM, J

28th April 2016

ajr