

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.1081 of 2009

ORDER:

The grievance in the present writ petition is the action of the respondents 1 to 6 in laying the road from Tandur Hyderabad to Khanapur village to connect "Chaitanya Nagar" across the petitioners' lands bearing Sy.Nos.49/E Ac.5-14 gts., S.No.51 Ac.9-31 gts., S.Y.No.49/E Ac.5-08 cents, Sy.No.49/1 Ac.5-08 gts, Sy.No.49/2 Ac.10-16 gts, respectively, situated at Khanapur Village, Peddemula Mandal, R.R. District, without recourse to due process of law.

2. Heard the counsel for the petitioners and the learned Government Pleaders for the respondents.

3. Petitioners herein claim to be true and absolute owners of the land bearing Sy.Nos.49/E, Ac.5-14 Gts., S.No.51, Ac.9-31 gts., S.Y.No.49/E A.C.No.5-08 cents, Sy.No.49/1 Ac.5-08 gts, Sy.No.49/2 Ac.10-16 gts respectively situated at Khanapur Village, Peddemula Mandal, R.R. District. It is further stated that the Revenue Authorities granted pattadar pass books in favour of the petitioners under the provisions of A.P. Rights in Land and Pattadar Pass Book Act, 1971. It is further stated that the petitioners are in exclusive possession and enjoyment of the said lands and they are cultivating the same and raised Red Gram crop. It is further stated in the writ affidavit that the respondents 1 to 5 herein without there being any prior notice and without initiating proceedings under the Land Acquisition Act, are laying the Road through the private lands of the petitioners.

4. This Court issued *Rule Nisi* on 28.01.2009 and granted interim direction in WPMP.No.1366 of 2009, directing the respondents not to lay the road across the petitioners' lands.

5. Though this Court admitted the writ petition as long back as on 28.09.2009, no counter affidavit has been filed by the respondents, denying the averments made in the affidavit filed in support of the writ petition. In the absence of any counter affidavit, the averments in the writ affidavit are required to be treated as correct.

6. In the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the writ petition is disposed of directing the respondents herein not to interfere with the possession and enjoyment of the petitioners herein in respect of the subject properties except in accordance with law.

7. For the aforesaid reasons, writ petition is allowed, directing the respondents herein not to interfere with the possession and enjoyment of the petitioners' properties situated in Sy.Nos.49/E, Ac.5-14 Gts., S.No.51, Ac.9-31 gts., S.Y.No.49/E A.C.No.5-08 cents, Sy.No.49/1 Ac.5-08 gts, Sy.No.49/2 Ac.10-16 gts, respectively, situated at Khanapur Village, Peddemula Mandal, R.R. District. However, this order will not preclude the respondents in proceeding in accordance with law, if they are advised to do so. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:22.12.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.1081 of 2009

Dated 22nd December, 2016

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