

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.24788 of 2016

ORDER:

Vide the present petition, the petitioners seek direction thereby directing the respondents to initiate the land acquisition property in respect of petitioners' property admeasuring 2000 sq yds approximately out of (Ac.2.00 Gts) in Sy.No.182/1 & 182/2 correlated to T.S No.11/1 & 11/2 situated at Gudimalkapur Village, Asif Nagar Mandal, Hyderabad.

The petitioners have earlier filed W.P No.14479 of 1996 and the same was disposed of by this Court vide order dated 05.11.2002, which reads as under:

"It is not in dispute that the petitioner is the owner of the land referred to above. When once the petitioner is the owner of the land, if the respondents require the land for any public purpose it can acquire land either by mutual agreement or by issuing proceedings under the Land Acquisition Act. In the absence of either of it, the respondents have no authority or jurisdiction to interfere with the peaceful possession of the petitioner. But, however, if the respondents require the land for any public purpose, it can do so by resorting to the legal proceedings that are permissible under law. Without initiating said proceedings, the respondents have no right to interfere with the peaceful possession of the land referred to above."

It is not in dispute that the property mentioned in the above writ, is the property in the present petition. As stated by the learned counsel for the petitioners that the petitioners have not received any notice under Section 4 or 11 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Ms. Juvvadi Sridevi, learned Government Pleader appearing on behalf of respondents No.3 and 4 submits that the land of the petitioners shall not be encroached without due process of law.

In view of the statement made by learned Government Pleader for respondents No.3 and 4, this Writ Petition is disposed of. I hereby make it clear that the respondents shall not interfere with the land of the petitioners without due process of law.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

JUSTICE SURESH KUMAR KAIT.

Date :02-08-2016

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