

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM
WRIT PETITION No.22597 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation (Andhra Pradesh).

The grievance of the petitioner is that she is the absolute owner, possessor and enjoyer of the landed property over an extent of Ac.6-93 cents situated in Sy.Nos.152/1 to 152/8 of Gopavaram Village in Musunuru Mandal of Krishna District, which was originally purchased by her grandmother viz., late Makineni Nagamma, under different registered sale deeds in the year 1966, and in the family partition she got the above said property and her name was mutated in the revenue records in the year 1992 under the provisions of Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 and since then she has been in absolute possession and enjoyment of the property. While the things stood thus, on 04.07.2016 the respondent authorities began peg marking in her land for the purpose of excavation of irrigation canal and without initiating any proceedings under the provisions of Land Acquisition Act, 1894 or under any law, the respondent authorities have directed her to vacate from a portion of the land of Ac.0-75 cents of her land. Hence the writ petition.

Considering the grievance of the petitioner and also the settled legal position that the citizens property rights under Article 300-A of the Constitution of India are to be protected, it is appropriate to direct the respondent authorities not to interfere with the possession and enjoyment of the petitioner and not to carry out any excavation work or other activities over the land in question without following due process of law and without paying compensation as required under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

With the above direction, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

Date:13.07.2016
Ssv