

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.21187 OF 2011

ORDER:

This Writ Petition is filed seeking to declare the action of the respondents in insisting on the petitioners to vacate the landed properties of various extents situated in different survey numbers at Gollagudem Village, H/o. Nallamadu Village of Ungaturu Mandal, West Godavari District, as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners, possessors and enjoyers of the subject lands having purchased the same under registered sale deeds. They have got the settlement deeds and the respondent authorities have also mutated their names in the relevant revenue records and pattadar passbooks and title deeds were also issued in their favour. While so, on 23.07.2011, respondent No.4 along with his staff visited the subject lands and insisted them to vacate the same. The petitioners state that without initiating any proceedings in accordance with law, without following due process of law and even without issuing any notice to the petitioners, the respondent authorities are trying to dispossess them from the subject lands. Hence, the Writ Petition.

The Revenue Divisional Officer-cum-Land Acquisition Officer, Eluru, West Godavari District, the 3rd respondent, filed counter affidavit stating that this Court granted interim direction on 27.07.2011 not to interfere with the possession of the petitioners in respect of the subject lands without following due process of law. It is further stated that according to the directions of this Court, the 2nd respondent had issued notices under Section 5-A of the Land Acquisition Act, 1894 (for short, 'the Act') to the petitioners vide Roc.No.595/2010 (B), dated 30.06.2010, calling for objections against the acquisition proceedings on or before

17.07.2010. It is also stated that the said notices were also acknowledged by four villagers, namely, Bollina Pullaiah, Bandi Pothuraju, Karuturi Ganga Ratnam and Eevala Paparao and rest of the four villagers rejected the said notice and hence, they were affixed on their doors. It is also stated that since the petitioners have not filed any objections, the 4th respondent after conducting enquiry into the financial status of the land owners, submitted a report to the 3rd respondent stating that the livelihood of the land owners would not be affected due to the said acquisition as they are having other lands in the village. It is also stated that since notification under Section 4(1) of the Act was published and notices under Section 5-A of the Act were issued to the petitioners and after conducting enquiry only the land acquisition proceedings were initiated, it cannot be said that due procedure is not followed by the respondent authorities and hence, prayed for dismissal of the Writ Petition.

In view of the averments in the counter affidavit, it cannot be said that the respondent authorities have not followed the due procedure as contemplated under the Act.

In the facts and circumstances of the case, it is open to the petitioners to challenge the proceedings initiated by the respondent authorities before the appropriate forum. It is also open to the respondent authorities to issue notices to the petitioners since the petitioners deny that they received notices issued under Section 5-A of the Act and then take appropriate further action in accordance with law.

With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

A. RAJASHEKER REDDY, J

Date:10.03.2016

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