

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24467 of 2016

ORDER:

The main grievance set out in the Writ Petition is that the respondent authorities are interfering with the possession and enjoyment of the petitioner in respect of her property i.e. residential plot in an extent of 244 square yards in R.S.No. 500/20 of Vedurupavuluru Revenue Village, Gannavaram Mandal, Krishna District. But however, from the averments contained in the affidavit filed in support of the Writ Petition, the cause of action for filing this Writ Petition appears to be the survey and demarcation exercise undertaken by the respondent authorities in the subject land.

According to the petitioner, she is the absolute owner of the abovesaid property, having purchased the same, vide registered sale deed dated 01.06.2016, for a lawful consideration. She complains that the 5th respondent started survey and demarcation of the subject land for laying the bye-pass road from Mustabad to Savarigudem with the help of the 3rd respondent, without issuing her any notice of their intention to do so.

Heard learned counsel for the petitioner as well as Assistant Government Pleader for Revenue (Andhra Pradesh) on behalf of Respondents 1 to 3.

Section 12 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 provides for preliminary survey of land and power of officers to carry on survey. It authorizes survey and demarcation even without issuance of notification, as is required under Section 11, but however, the Proviso attached thereto specifies that '*no person shall enter into any property without previously giving such occupier at least seven days notice in writing of his intention to do so*'.

In view of the abovesaid mandate, it is clarified that the respondents are at liberty to carry on the survey and demarcation

exercise of the property belonging to the petitioner, after issuing her the prior notice, in accordance with the provisions of the 2013 Act.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the Miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J.

25th July 2016

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