

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION No.15987 of 2016

ORDER :

The instant writ petition is filed seeking Mandamus to declare the action of respondents 2 to 4 in acquiring the lands of petitioners at Sakunala village of Orvakal Mandal in Kurnool District for construction of Ultramega Solar Park, without paying any compensation, is arbitrary, illegal and contrary to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Learned counsel for petitioners would submit that the petitioners are assignees except one petitioner who has purchased the land, but the respondent-authorities, without following due process of law, by issuing notices to all the petitioners, started taking possession of their lands forcibly. The main relief sought for in the writ petition is for granting fair compensation under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and for following the procedure contemplated under the said Act.

3. Learned Government Pleader would point out page No.107 of the material papers filed by the petitioners and

would submit that a notice was issued by Tahsildar/4th respondent in Rc.No.A/5837/2014 to one Peremula Mahadevamma, who is respondent No.9 in the writ petition, requiring her to submit explanation. As per the contents mentioned therein, even the purpose is also mentioned in the said notice. Therefore, the learned Government Pleader submits that there was no high-handed act on the part of respondents. However, he concedes that the said notice does not contain the date of issuance. He also fairly concedes the submission of learned counsel for petitioners that due process of law would be followed before evicting the petitioners.

4. In that view of the matter, the writ petition is disposed of directing the respondents to follow the due process of law for evicting the petitioners from the lands in question. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

A. SHANKAR NARAYANA, J

6th May 2016

ajr