

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

TUESDAY THE TWENTY THIRD DAY OF AUGUST, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 28294 OF 2016

Between:

S. Bapu Reddy & Anr. ... Petitioners

V/s.

The Spl. Deputy Collector,
[Sripada Prananhita Chevella]
Land Acquisition Section
Ramagundam & Ors. ... Respondents

Counsel for the Petitioners: Sri A. Narasimha Rao

Counsel for the Respondents: Govt.Pleader for Land Acquisition
[Telangana]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

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WRIT PETITION NO. 28294 OF 2016

ORDER :

Vide the present writ petition, the petitioners seek direction thereby directing the respondents not to interfere with the petitioners land in respect of Ac:1-17 guntas in survey No.387, which belongs to second petitioner and Ac:0-20 guntas in survey No. 398/3, which belongs to second petitioner and Ac:0-06 guntas in survey No. 387, which belongs to first petitioner and Ac:0-16 guntas in survey No.385, which belongs to first petitioner in Mallapur, Dharmaram Mandal, Karimnagar district.

2. As averred in the affidavit filed in support of the petition, the petitioners are owners and possessors of land mentioned above. Out of the above mentioned extents of land, Ac:1-11 guntas in survey No. 387, which belongs to first petitioner and Ac:0-23 guntas in survey No. 385, which belongs to the petitioner and his brother Sri Raji Reddy were notified for acquisition for the purpose of Dr.B.R.Ambedkar Pranahita Chevella Sujala Sravanthi Project and an award was passed vide File No.F/87/2010, dated 06/9/2012. It is further averred

that only Ac:1-11 guntas in survey No. 387 and Ac:0-23 guntas in survey No.385 were acquired. However, the respondents were interfering with the possession of the petitioners in respect of Ac:1-17 guntas in survey No. 387, which belongs to the second petitioner and Ac: 0-20 guntas in survey No. 387/3, which belongs to the second petitioner and the remaining Ac:0-16 guntas in survey No. 385, which is owned by first petitioner and his brother and Ac: 0-06 guntas which belongs to first petitioner, since these lands are situated adjacent to acquired lands.

3. Learned counsel appearing on behalf of the petitioners submits that due to partial acquisition of land belongs to the petitioners, the rest of the land have become useless for irrigation. The respondents without any authority of law or following due process of law are interfering with the possession of the land owned by the petitioners as detailed above.

4. Vide the present writ petition, petitioners seek direction thereby directing the respondents not to interfere with the possession of the petitioners land without acquiring the same or without following due process of law.

5. It cannot be disputed that without adopting the procedure contemplated under law, if any act made by any authority that is illegal,

arbitrary and violation of Article 300-A of the Constitution of India.

6. The petitioners seek the prayer as noted above, therefore, without issuing notice to the respondents, I hereby direct the respondents not to dispossess the petitioners or interfere with the lands of the petitioners mentioned above without following due process of law.

7. I hereby make it clear that if the respondents intend to acquire the land of the petitioners mentioned above, the said acquisition proposal shall be communicated in writing to the petitioners. If the petitioners are aggrieved with any of the communication or decision taken by the respondents, the petitioners are at liberty to challenge the same at that point of time.

8. In view of the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

9. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

23/08/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

Date: 23/08/2016
Circulation No.
Court Master: I s L

