

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34893 of 2012

ORDER:

The petitioners pray for the following relief:

“... to issue an appropriate writ, order or direction preferably a Writ of Mandamus declaring the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the petitioners over the land of Ac.1.43 cents in Sy.No.438/2 situated at Inamadugu Village, Kovvur Mandal, SPSR Nellore District, as illegal, arbitrary, high handed and violative of Art. 300A of the Constitution of India and principles of natural justice ...”

2. The respondents in spite of receipt of notice did not file reply to the material allegations stated in the writ affidavit.

3. On 09.11.2012, the following order was passed by this Court:

“Notice before admission returnable in two (2) weeks.

Learned counsel for the petitioners is also permitted to take out personal notice to the respondents and file proof of service.

The petitioners state that though notification under Section 4(1) & 6 of the Land Acquisition Act (for short ‘the Act;) were issued in respect of the land, no award was passed and by operation of Section 11-A of the Act, the proceedings lapsed. The matter needs to be examined.

There shall be interim direction to the respondents not to disturb the possession of the petitioners over the land in question.”

4. I have perused the writ affidavit and the annexures filed by petitioners. The grievance of petitioners is one against forcible dispossession of petitioners from petition land. It needs little narration to express that the respondents cannot and could not, once admit the possession of petitioners, either dispossess the petitioners or resort to demolition of structures in the petition schedule property unless and until procedure stipulated by law is followed.

The writ petition is disposed of by making the interim order as final

order with a further modification that if the petitioners' land is required for any purpose or the possession and enjoyment of petitioners is objectionable, the respondents shall dispossess/demolish by following procedure stipulated by law. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

August 23, 2016
DSK