

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24781 of 2016

ORDER:

The writ petition is filed challenging the action of the respondents in contemplating to lay the channel through the petitioners land i.e., Sy.No.1092/AA admeasuring Ac.1.30 guntas, Sy.No.1092/E admeasuring Ac.0.35 guntas and Sy.No.1084/AA1 admeasuring Ac.1.26 guntas situated at Sircinagandla Village, Kondapak Mandal, Medak District without following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The case of the petitioner is that they are the absolute owners and possessors of the above said lands and they are cultivating the same. While things stood thus, the respondent-authorities proposed to lay water channel through the lands of the petitioners even though the Government land is available. It is stated that the respondent-authorities threatening the petitioners over phone that the lands belongs to the petitioners would be taken for the purpose of laying water channel. Thus, the action of the respondents in proposing to lay channel through the lands of the petitioner even without issuing any prior notice or initiating any land acquisition proceedings as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act").

Hence, the present writ petition.

Learned counsel for the petitioners submits that the respondents-authorities are making hectic efforts to dispossess the petitioners from the land in question even without following the due procedure of law for acquiring the land.

Learned Government Pleader for Revenue (T.S) submits that the allegations made by the petitioners are false. If really the petitioners are to be evicted, the respondents-authorities would follow the due

process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of their lands, their possession shall not be interfered with by the respondents-authorities without following due process of law as enjoined whether under the Act or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner except following due process of law. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM, J.

Date:26.07.2016,
Gk

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