

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12662 of 2016

ORDER:

The grievance of the petitioners is that their possession and enjoyment over respective lands in Survey Nos.490 and 496 of Shivaipalli Village, Bikunor Mandal of Nizamabad District, is sought to be interfered by the respondents under "Mission Kakatiya Project" without issuing any notice, without acquiring the lands and without payment of any compensation to them.

Learned counsel for the petitioners places reliance on the order dated 08.02.2016 passed by this Court in W.P.M.P.No.4780 of 2016 in W.P.No.3741 of 2016.

Learned Government Pleader for Respondents, on instructions, submits that the tenders have already been invited for restoration of Naganna Kunta in Shivaipally Village by way of e-procurement.

Prima facie material placed before this Court discloses that the petitioners are the owners of the lands in Survey Nos.490 and 496 of Shivaipalli Village of Bikunor Mandal of Nizamabad District, and they are in possession and enjoyment of the same. Admittedly, there are no land acquisition proceedings initiated as required under Land Acquisition Act, 2013, to acquire the land of the petitioners. In that view of the matter, the interference of the respondents with the peaceful possession and enjoyment of the petitioners in any manner would be violative of the mandate provisions of the Act and offending the rights of the petitioners under Article 300-A of the Constitution of India. At the same time, it cannot be said that the property of the petitioners cannot be acquired for public purposes.

Therefore, in the interest of justice, I deem it appropriate to

direct the respondents not to undertake any works in Sy.Nos.490 and 496 of Shivaipalli Village of Bikunor Mandal of Nizamabad District, without putting the petitioners on notice and without acquiring their lands by paying due compensation to them.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM, J.

18th April, 2016
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