

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8227 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in trying to take possession of the land to an extent of East to West 40 feet and North to South 15 feet from out of the petitioner’s open plot to an extent of 27 cents situated in Sy.No.169/1 of Modemeedipalle Village, Proddatur Mandal, YSR Kadapa District without issuing any notice or initiating acquisition or requisition proceedings as being illegal, arbitrary, unjust, improper and is in negation of the established Judicial precedents besides in violation of Articles 21 and 300-A of the Constitution of India apart from in violation of principles of natural justice and fair play and consequently direct the respondents not to dispossess the petitioner from the aforesaid land without following due process of law, and pass such other order or orders may deem fit and proper.”

Learned Assistant Government Pleader for Transport relying upon the letter dated 13.03.2016 addressed to his office by the Executive Engineer (R & B), Proddatur, informed this Court that according to the

R & B Department, there was no necessity to acquire any land as there was no plan to widen the existing road and the work being taken up presently only involved strengthening the existing carriage way.

In that view of the matter, the grievance of the petitioner appears to be based on apprehension. Needless to state, in the event the petitioner’s land is required for any public purpose, the respondent authorities are bound to abide by the due procedure laid down by law before interfering therewith.

Subject to the above observation, the writ petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

Date:15.03.2016
GJ/PGS