

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.29631 of 2012

ORDER:

-

No representation for petitioners. Heard the Assistant Government Pleader for Roads and Buildings and Assistant Government Pleader for Land Acquisition.

The petitioners pray for the following relief :-

“.... to issue a Writ or Order or orders or Direction mainly in the nature of Writ of Mandamus by declaring the high handed action of the respondents in trying to acquire the land without any prior notice or without any acquisition proceedings as contemplated under Land Acquisition Act for road widening purpose in the patta land admeasuring Ac.0.005 cents, Ac.0.04 cents, Ac.0.01 cents and Ac.0.035 cents land in Sy.No.199/3A, 199/3B, 199/3B and 199/4A of Boyapalem Street, Ward No.10, Piler Village and Mandal, Chittoor District owned by the petitioners is arbitrary, illegal, without jurisdiction and violative of Article 300-A of the Constitution of India and consequently direct the respondents not to interfere with the possession of the petitioners without any statutory proceedings as contemplated under Land Acquisition Act or any other Act to acquire the land”.

On 21-09-2012, the following interim order was passed :-

“Notice before admission.

If the land claimed by the petitioners is not notified under the provisions of the Land Acquisition Act, 1894, no steps shall be taken to dispossess the petitioners from the land in question.”

3rd respondent filed counter affidavit and stated that the writ petition has been filed on mere apprehension and in fact, the road widening of Piler-Sadum road was completed within the right of way vested with the Roads and Buildings Department. In paras 4

to 7 of counter affidavit, 3rd respondent further stated as follows:-

It is respectfully submitted that the Road and Building Department, Piler, Chittoor District, implementing the orders of this Hon'ble Court and never interfered with the land of the petitioner for widening the road.

It is respectfully submitted that the contention of the petitioner that the Roads and Building Department Piler, Chittoor District tried to acquire the land of the petitioner for road widening purpose in respect of the land in Sy.No.199/3A, 199/3B, 199/4A admeasuring Ac.0.005 cents, Ac.0.004 cents, Ac.0.001 cents and Ac.0.035 cents respectively situated at Boyapalem Street, Ward No.10, Piler Village and Mandal, Chittoor District and interfered with the possession of the said property is false, hence denied.

It is respectfully submitted that the Roads and Building Department have already widened the Piler-Sadum road within the R&B rights of way available. The Roads and Building Department, Piler have nothing to do with the Land Acquisition of the land of the petitioners herein. It is further submitted that the Road and Building Department, Piler, have not interfered with the petitioners land or adjoining private lands of individual at any point of time for widening the road.

It is respectfully submitted that the contention of the petitioner that in the 1st week of August, 2012 the Road and Building Department, Piler, brought JCB and started cleaning the land of the petitioners and destroyed the coconut trees for widening the road is incorrect, baseless, far from truth and has been created for the purpose of filing the present writ petition. It is submitted that the Road and Building Department, Piler followed the due procedure of law and never tried to interfere or dispossess the petitioners from their lands at any point of time."

The statement of 3rd respondent is placed on record.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

Dt: 29-08-2016
Prv

S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.29631 of 2012

-
-
-
-
-

29-08-2016

Prv