

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11919 OF 2016

ORDER:

Heard Sri P.Devender, learned counsel for the petitioners, and learned Government Pleaders appearing for the respondents.

2. The case of the petitioners is that the first petitioner's husband i.e., second petitioner's grandfather-Daramsoth Devuja was the absolute owner and pattadar of the land in Survey No.208, Admeasuring Ac.10-00 guntas of Uggampalli Village Shivar, Maripeda Mandal, Warangal District. During his lifetime, he dug a tank to store the water and used the said water for cultivation of the other lands, situated under the said private tank. After the death of the said Devuja, the lands were mutated in the name of the 1st petitioner and the 2nd petitioner and also in the name of other family members.

The land in Survey No.208/A admeasuring Ac.4-24 guntas stands in the name of the said Devuja. The petitioners and other family members are cultivating their lands by using the stored water in the private tank. While the matter stood thus, the respondents without there being any notice and authority and without verifying the records, called for tenders under Mission Kakatiya Phase-II to dig petitioners' private tank claiming the same as Government Tank.

In this regard, petitioners have submitted a representation dated 09.03.2016 to the sixth respondent. But without considering the same, respondent Nos.3 to 6 and their staff tried to dispossess the petitioners from the subject land. Questioning the same, the present writ petition is filed.

3. 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 under law for acquiring the lands.

4. Learned Government Pleader for Panchyat Raj 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.

5. 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 the land, their possession shall not be interfered with by the respondents-authorities without following due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or under any other law.

6. Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners except following due process of law.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed. No order as to costs.

CHALLA KODANDA RAM, J

April 12, 2016
LMV

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11919 OF 2016

April 12, 2016

LMV