

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

MONDAY THE TWELVETH DAY OF SEPTEMBER, 2016

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 30685 OF 2016

Between:

Nelapati Subbarayudu

...

Petitioner

 $V/s.$

State of Andhra Pradesh
Rep. by its Principal Secretary
Department of Revenue
Secretariat, Hyderabad & Ors.

...

Respondents

Counsel for the Petitioner:

Sri Papaiah Peddakula

Counsel for the Respondents:

GP for Land Acquisition [AP]

The court made the following:

[order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITWRIT PETITION NO.30685 OF 2016ORDER :

This writ petition is filed by the petitioner seeking mandamus to declare the action of the respondent Nos. 3 and 4 in trying to interfere into the land of the petitioner in an extent of Ac: 3-24 cents in survey No. 18/1 of Kunalammmapadu village, Anumasamudrampet Mandal, SPSR Nellore district for conducting survey under the guise of “Telugu Ganga Project” at Nellore and “Somasila Project” at Atmakur of Nellore district, without giving any notice to the petitioner, without giving any opportunity of hearing and without initiating any land acquisition proceedings as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India, apart from being violative of the principles of natural justice and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Land Acquisition [AP].

3. As stated in the affidavit filed in support of the petition, the petitioner has submitted that respondent No.3 is conducting survey of the land mentioned above, without issuing any notice to the petitioner, without affording any opportunity of hearing to the petitioner and without initiating land acquisition proceedings.

4. As survey is concerned, that does not give rise any cause of action but if the respondents are trying to acquire the above mentioned land and dispossess the petitioner, certainly the respondents are bound to issue notice to the petitioner.

5. Keeping in view of the averments made in the affidavit filed in support of the petition and submission of the counsel for the parties, I hereby direct the respondent Nos. 3 and 4 that if the aforesaid land of the petitioner is to be acquired that, shall not be acquired without following due process of law.

6. In view of the above direction, the writ petition is disposed of at the stage of admission. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.



12/9/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 30685 OF 2016



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