

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34835 OF 2016

ORDER:

Heard Mr.Karunakar Reddy for petitioner, the Government Pleader for Land Acquisition and the Assistant Government Pleader for Irrigation.

The petitioner prays for Mandamus declaring the action of respondents 2 to 5 in interfering with peaceful possession and enjoyment and also disturbing agricultural operations by digging pits over the petition landed property of an extent of Ac.3-19 gts. in Survey No.590/AA at Kasumanchi Village and Mandal, Khammam District without following the procedure stipulated by law, as illegal, arbitrary and unconstitutional.

The petitioner further prays that the respondents be directed not to interfere with petitioner's peaceful possession and enjoyment of subject matter of the writ petition.

At the instance and request of learned counsel appearing for respondents, the matter has been adjourned from 17.10.2016 to today. Learned Government Pleader (Land Acquisition) places on record the written instructions received from Tahsildar, Kusumanchi Mandal. The instructions read thus:

"As such it is submitted that the Land of the Writ Petitioner has not been procured as the Writ Petitioner not given consent to sell the land during the day of DLLPC conducted by the District Collector. As per the message received from the Liaison Officer High Court, inspected the land of Writ Petitioner Sy.No.590 of

Kusumanchi Village, there is no operation conducted by the Engineering authorities laying and digging of pits for excavation of Canal from the land of Writ Petitioner in Sy.No.590 to an extent of Acs.0.18 gts. of Kusumanchi village. Thus it is submitted there is no action on trespass into the property of Writ Petitioner laying Canal of SRSPP.

The operations digging of canal in Sy.No.590 in respect of the land of Writ petitioner 0.18 gts. shall be made due after consent of the Writ Petitioner with due procedure of law under G.O.Ms.No.123 dated 30.7.2016. The applicant has filed Writ on presumption that the SRSP authorities has to take up laying the canal in the field Sy.No.590 of Kusumanchi Village."

From the above, it is clear that the petitioner did not consent to sell the land required for SRSP Canal. The respondents have gone on record by saying that no operation conducted by respondents 4 and 5 at subject matter of the writ petition. Therefore, the respondents, if intend to take or acquire the subject matter of the writ petition or a portion thereof, the acquisition shall be in accordance with law.

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

S.V.BHATT, J

Date:18-10-2016
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