

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12954 OF 2012

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the alleged action of the respondents in laying the road from T.Puttur to Kondakinda Kannikapuram Village, through the land of the petitioners admeasuring Acres 2.20 cents in survey No.220/C, Acres 0.96 cents in survey No.224, Acres 1.70 cents in survey No.559/1, Acres 5.55 cents in survey No.560 of Thavanampalli Revenue Village and Mandal, Chittoor District.

2. Heard the learned counsel for the petitioner and learned Government Pleader for the respondents 1 and 2 and Sri G.Seshadri, learned standing counsel for the 3rd respondent – Gram Panchayat.

3. According to the petitioners, they are the absolute owners of the above mentioned subject properties. It is further stated in the writ affidavit that the Revenue Authorities issued pattadar pass books and title deeds in their favour and their names have been entered in the Revenue Records and the subject lands are purely private patta lands and it is further averred in the writ affidavit that pursuant to the scheme introduced by the Government, the 1st respondent issued proceedings vide Roc.No.K1/4984/

2011, dated 11.01.2012, allotting the works in Thavanampalli Mandal, to lay roads and pursuant to the said proceedings, even without acquiring the subject lands, the respondents are trying to lay the road through their lands from T.Puttur to Kondakinda Kannikapuram Village. It is further stated that there is existing road connecting Kondakinda Kannikapuram Village. The writ affidavit alleges breach of the procedure contemplated under law.

4. This Court, while ordering notices on 27.04.2012, passed the interim order saying that in the event of the respondents laying road through the petitioners land, it cannot be laid without following due process of law.

5. It is pertinent to note, at this juncture, that Article 300-A of the Constitution of India mandates that no citizen of this Country shall be deprived of his/her property, except in accordance with the procedure established by law.

6. When the matter is called today, it is submitted by the learned counsel for the petitioners so also the learned counsel for the respondents that the writ petition can be disposed of by making the interim arrangement made already as a final one.

7. In view of the above submissions, writ petition is disposed of, directing the respondents not to lay the road through the lands of the petitioners, as mentioned supra,

without following due process of law. It is further made clear that it is open for the respondents to undertake the works, if any, in accordance with law.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

22.11.2016

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