

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 28392 OF 2012

ORDER:

Petitioner prays for the following relief:

“... 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 and making markings for the purpose of digging a canal with the aid of JCBs under Handri Niva Project in the patta land admeasuring Ac.1.71 cents in Sy.No.399 and 405 of Mudupulavemula Village, Chittoor District owned by the petitioner 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 petitioner without any statutory proceedings as contemplated under Land Acquisition Act.”

The Assistant Government Pleader, basing on written instructions received on 21.07.2016, submits that the writ petition is filed basing on an apprehension and, in fact, there are no proposals to acquire the subject matter of the writ petition. The operative portion of the instructions received by him reads as follows:

“I submit that the contention of the petitioner that the Special Deputy Collector, HNSS, Unit-2, Piler is trying to acquire the land without any prior notice or without any acquisition proceedings as contemplated under Land Acquisition Act and making markings for the purpose of digging of canal with the aid of JCBs under Handri Neeva Project in the patta land admeasuring to an extent of 1.71 acres comprised in Sy.No.399 & 405 of Mudupalavamula Village of Piler Mandal of Chittoor District is not correct, since no requisition has been received so far and this authority never initiated action to dug the canal. There is no acquisition proposal also pertaining to the lands of the writ petitioner.

Hence, the allegations made in the affidavit are false, since the authorities has never tried to dug the canal over the land admeasuring to an extent of 1.71 acres comprised in Sy.No.399 & 405 of Mudupalavemula Village of Piler Mandal of Chittoor District. Hence, the writ petition may kindly be disposed accordingly at admission stage.”

The instructions are placed on record. The writ petition is closed accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand closed.

Date: 08.08.2016
ES

S.V. BHATT, J