

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.18239 OF 2016

ORDER:

The grievance of the petitioner is that his possession and enjoyment of the land admeasuring Ac.5-58 cents covered by Survey No.7/A situated at Bhatpally Village, Kaghaz Nagar Mandal, Adilabad District, is sought to be interfered under "Sri Komuram Bheem Project" without issuing any notice, without acquiring the land and without paying any compensation to him.

Learned counsel for the petitioner places reliance on the order, dated 08.02.2016, passed by this Court in W.P.M.P.No.4780 of 2016 in W.P.No.3741 of 2016.

Heard learned Government Pleader for the Respondents.

Prima facie material placed before this Court discloses that the petitioner is the owner of the subject property and he is in possession and enjoyment of the same. Admittedly, there are no land acquisition proceedings initiated as required under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to acquire the land of the petitioner. In that view of the matter, interference of the respondents with the peaceful

possession and enjoyment of the petitioner in any manner could be violative of the mandate of the aforesaid Act and offending the rights of the petitioner under Article 300-A of the Constitution of India. At the same time, it cannot be said that the land of the petitioner cannot be acquired for public purposes.

Therefore, in the interest of justice, I deem it appropriate to direct the respondents not to undertake any works in Survey No.7/A situated at Bhatpally Village, Kaghaz Nagar Mandal, Adilabad District, without putting the petitioner on notice and without acquiring his land by paying due compensation to him.

With the above direction, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition, shall also stand closed. No costs.

RAM, J

June 21, 2016

MD

CHALLA KODANDA