

HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.28479 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in laying road in the patta lands of the petitioner without paying compensation as illegal and arbitrary.

2. Heard the learned counsel for the petitioners, the learned Assistant Government Pleader for Panchayat Raj and Rural Development, appearing for respondents 1, 3 and 4 and the learned Government Pleader for Revenue, appearing for respondent No.2.

3. The first petitioner claims that she is the owner of an extent of Ac.1.14 guntas in Survey No.958-AA and the second petitioner claims that she is the owner of an extent of Ac.1.14 guntas in Survey No.958-EE of Pothugal village, Mustabad Mandal of Karimnagar District. It is the case of the petitioners that in the month of May 2016, the respondents 3 and 4 have laid road in the patta lands of the petitioners without paying any compensation. It is the further case of the petitioners that they submitted a representation on 14.05.2016 to the concerned officials, but of no use. A perusal of the record shows that the petitioners got issued a legal notice dated 11.07.2016 requesting the respondents to pay compensation.

4. As per the case of the petitioners, the respondents laid road in an extent of Ac.0.25 guntas of land, which belongs to the petitioners. Whether the respondents have laid road in an extent of Ac.0.25 guntas of land, which belongs to the petitioners or not, is purely a disputed question of fact which cannot be gone into while exercising the jurisdiction under Article 226 of the Constitution.

5. At the time of arguments, the only relief sought by the petitioners is to permit the petitioners to make a representation to the second

respondent afresh claiming compensation in respect of an extent of Ac.0.25 guntas. The learned Assistant Government Pleader also consented for the same. In view of the submissions made by both the counsel, this Court is not inclined to go into the merits of the main case.

6. Having regard to the facts and circumstances of the case and also the submissions made by both the counsel, the petitioners are hereby permitted to make a representation to the second respondent claiming compensation in respect of the land of the petitioners, if acquired by respondents 3 and 4 for laying of the road in Survey No.958-AA and 958-EE of Pothugal village, Mustabad Mandal, Karimnagar District. The second respondent is hereby directed to consider the representation of the petitioners and pass appropriate orders, within a period of two months from the date of receipt of such representation, in accordance with law.

8. With the above direction, this writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

August 24, 2016.

Rns.