

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23872 of 2016

-

ORDER:

Petitioner claims that he is the owner of land to an extent of Ac.0.44 cents in Survey No.35/5 situated at Vatluru Village, Pedapadu Mandal, West Godavari District and he was also issued pattadar pass books in respect of the same. While the things stood thus, the petitioner received caveat from the Principal District Judge's Office, Eluru. From the caveat filed by the Tahsildar, Pedapadu Mandal, the petitioner came to be aware that the land in Survey Nos.35/1 to 35/11 of Vatluru Village, Pedapadu Mandal, is proposed to be acquired for construction of godowns for Civil Supplies Department. As the respondents without issuing any notification and without following due process of law are likely to interfere with the possession and enjoyment of his land, the petitioner approached this Court.

I have heard learned counsel for the petitioner.

It is clear that as on date, no land acquisition proceedings were issued and there is only a proposal for acquisition of land, as is evidenced by the caveat filed by the Tahsildar, Pedapadu Mandal.

It is the settled principle of law that no property of a citizen can be acquired or even be utilized, unless the person, whose property is being taken, is paid just

compensation either under the Land Acquisition Act or under any other enactments which empower the State.

In those circumstances, apprehension of the petitioner being based on the caveat filed by the Tahsildar, Pedapadu Mandal, this Court makes it clear that the right and enjoyment of the petitioner over the land to an extent of Ac.0.44½ cents in Survey No.35/5 shall not be interfered with in any manner without following due process of law.

Subject to the above, the Writ Petition is disposed of.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

1st AUGUST, 2016.

kvni