

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.24073 of 2017

ORDER:

Heard Sri T. Laskhminarayana for petitioners and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioners pray for the following relief:

“....writ of *mandamus* declaring the action on the part of the 2nd respondent in trying to dispossess the petitioners from their respective of agricultural lands without following due process of law, without giving any notice, without conducting inquiry or opportunity and without acquiring the lands of the petitioners and without paying compensation under the provisions of the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013', as illegal, arbitrary, apart from being violative of principles of natural justice and in violation of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 and consequently direct the 2nd respondent not to dispossess the petitioners from their respective of agricultural lands without following due process of law.”

3. The present writ petition deals with the following survey numbers:

S. No.	Petitioner	Survey Number	Extent	Village & Mandal
1	Soga Babu	254/ 10	Ac.1.09 cents	Muthukur Vilage & Mandal, SPSR Nellore Dsitric.
2	Soga Mohan	254/ 3	Ac.1.68 cents	-do-
3	Soga Chandraiah	254/ 4	Ac.0.74 cents	-do-
4	Soga Narayana	254/ 9	Ac.0.95 cents	-do-

4. The petitioners claim to be the assignees of Government land and according to them, the respondents are interfering with petitioners' possession without recourse to law. Hence, the writ petition.

5. The writ prayer is on the assumption that without passing orders, the respondents are trying to interfere with petitioners' possession and enjoyment of the assigned land referred to above. The Assistant Government Pleader (Revenue) places written instructions in Rc.B (L.A)435/ 2017 dated 22.07.2017 of the 2nd respondent and submits that a few of the assignees in Sy.No.254/ 3 to 254/ 11 have consented to construct a mini stadium and in respect of a few assignees, the Revenue Divisional Officer, passed resumption orders vide Rc.A.208/ 2008 dated 01.01.2002. It is further stated that the petitioners are not in possession and enjoyment of the subject matter of the writ petition.

6. Having regard to the passing of proceedings and also consent given by a few assignees, learned counsel for the petitioners submits that the petitioners have to workout their remedy before the District Collector, Nellore and they may be given opportunity to file an appeal/ revision against the decision on which the 2nd respondent is relying upon. As the enquiry now involves the disputed questions of fact, liberty is granted and the petitioners can workout their remedies for the reliefs before the District Collector, Nellore.

7. With the above observation, the writ petition is dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 24.07.2017
BSS

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