

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.4247 of 2009

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in interfering with the possession and enjoyment of the agricultural land of the petitioner i.e. an extent of Ac.0.50 cents in R.S. No.100/ 1 and Ac.0.10 cents in R.S. No.111/ 1 of Kundaleswaram Village, Katrenikona Mandal, East Godavari District, as illegal and arbitrary, and consequently, direct the respondents to follow the due process of law.

The case of the petitioner is that he is the absolute owner and possessor of the above said property and he purchased the said land in the name of his wife and after her death, he became the owner and pattadar pass book was also issued in his name. While so, some unknown people came to his land and taking measurements and when the petitioner questioned them, they replied that some amount was granted from the Prime Minister's funds for widening the existing small road, abutting the land of the petitioner, and therefore, they are going to widen the existing road by cutting the trees and destroying the paddy field of the petitioner. Therefore, the petitioner filed the writ petition.

Heard and perused the material available on record.

On 03.03.2009, while admitting the writ petition, this Court passed the following interim order in WPMP No.5575 of 2009:

“The petitioner has placed before this Court copy of the Pattadar Pass Book. There shall be interim direction as prayed for. However, it is made clear that if there exists any road as per the maps of the village, it shall be open to the respondents to reinforce the same without utilising any additional area.”

Hence, considering the facts and circumstances of the case, the interim order passed by this Court on 03.03.2009 in W.P.M.P.No.5575 of 2009 is made absolute. Further, if the respondents intend to widen the existing road, they shall follow due process of law.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

September 14, 2017
KTL

