

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.13497 of 2009

ORDER:

Heard Mr. D. Jagan Mohan Reddy for petitioners, learned Government Pleader (Land Acquisition) for respondents 1 and 2 and Mr. Nadigam Krishna Rao, for 3rd respondent.

2. The petitioners pray for *mandamus* declaring the action of respondents in resuming the house site pattas granted to petitioners, without initiating proceedings under the Land Acquisition Act, 1894 (for short 'the Act'), as illegal, arbitrary and unconstitutional.

3. Briefly stated, the case of the petitioners is that the Tahsildar, Kamanpur Tahsil, Karimnagar District, granted house site pattas to petitioners and the details of the assignment read thus:

S. No.	Name of Petitioner	Sy. No.	Plot No.	Extent Cents	Date of Assignment
1	Nookala Bondayya	536	33	0.08	20.10.1982
2	P. Narayana	536	105	0.08	20.10.1982
3	T. Papaiah	536	109	0.08	20.10.1982
4	Rajabelli	536	70	0.08	20.10.1982
5	P. Gattaiiah	536	8-62	0.05	20.10.1982
6	Yasampalli Odhelu	536	135	0.08	20.10.1982
7	Padala Odhenna	536	123	0.08	20.10.1982
8	Atta Sammaiah	536	16	0.08	20.10.1982
9	Enagandhula Ramulu	536	105	0.08	20.10.1982

4. Now the grievance of petitioners is that petitioners had financial resources, have constructed houses and in fact, are residing therein. The respondents are taking away the lands and disturbing possession of petitioners without paying compensation, and such threatened action is illegal, arbitrary and unconstitutional.

5. On 08.07.2009, this court directed maintenance of *status quo* obtaining as on that date. The respondents filed petition to vacate the interim order. For disposing of the writ petition, this court finds it

convenient to refer to the admitted state of affairs in the counter-affidavit filed by 2nd respondent.

6. On the assignment of house sites in favour of petitioners, the 2nd respondent avers that the assignments were made on 20.10.1982 i.e., 27 years back for the purpose of housing. After assignment, petitioners might have constructed their houses gradually. The 2nd respondent is not disputing the steps initiated for acquiring or resuming an extent of Ac.49.17 guntas in Mangalipally Village, at the instance of 3rd respondent. The field inspection said to have been undertaken, which reveals existence of a few houses in the land proposed to be acquired or resumed. However, on the structures said to have been raised by petitioners, 2nd respondent avers that on verification of records, petitioners' houses are not in existence as claimed by petitioners.

7. Be that as it may, the petitioners now are apprehending dispossession, without recourse to law, and have filed the instant writ petition. The respondents did not dispute the entitlement of petitioners for notice or payment of *ex-gratia* in the event of acquiring the house plot or disposing the petitioners.

8. This court, after taking note of the principle laid down by the constitution Bench of this court in '*Land Acquisition Officer cum Revenue Divisional Officer, Chevella Division vs. Mekala Pandu & others*¹', dispose of the writ petition by directing respondents not to dispossess the petitioners from the subject land except in accordance with law.

9. The writ petition is ordered as indicated. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S V. BHATT, J

Date: 23.08.2017
BSS

¹ 2004(2) ALD 451 (LB)

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