

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.10883 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents 3 and 4 in trying to lay the road through the patas lands of the petitioners situated in the limits of Mushrifa Village, Kosigi Mandal, Mahabubnagar District, without following due procedure of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

It is the case of the petitioners is that the 1st petitioner is the absolute owner and possessor of the total lands over an extent of Ac.6.46 cents in Sy.Nos.22,23/A of Mushrifa Village, Kosigi Mandal, Mahabubnagar District. Like wise, the 2nd petitioner is the owner and possessor of the total lands over an extent of Ac.0.48 gts in Sy.Nos.522 and 523 of of Mushrifa Village, Kosigi Mandal, Mahabubnagar District. The petitioners are eking out their livelihood by doing agricultural work. While things stood thus, all of a sudden in the month of January, 2017, the officials of the 4th respondent visited the lands of the petitioners and started making measurements with an intention to widen the existing road and informed that they would acquire the petitioners' land, even without issuing any notice as per the provisions of the Act.

Learned counsel for the petitioners submit that the respondents-authorities are making hectic efforts to lay the road in the lands of the petitioners even without following the due process of law.

Learned Government Pleader for Road and Buildings (T.G) submits that the allegations made by the petitioners are false. If really the lands of the petitioners are required, the respondents-authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of their property, their possession shall not be interfered with by the respondents-authorities, without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

Date:27.03.2017.

Note:

Issue CC forthwith.

B/o.

Gk.

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