

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9050 of 2017

ORDER:

Heard Sri P.Shiva Reddy, learned counsel for the petitioner and learned Government Pleader for Roads and Buildings.

2. Petitioner claims to be the pattadar and possessor of land admeasuring Ac.16-39 guntas in survey No.697 situated at Kulkacherla Village and Mandal, Vikarabad District, vide patta No.163. Abutting to his patta land, there is a Government land in survey No.699. He submits that though there is a 30 feet road existing leading from Pargi to Nancherla, the respondents are started widening the existing road and in the said process they are acquiring the petitioner's land. The grievance of the petitioner is that the respondents, without acquiring the subject land, are laying road affecting his property. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petition.

3. It is well settled that citizens shall not be deprived of property rights protected under Article 300-A of the Constitution of India without following due process of law and, if the land of the petitioner is required, State is at liberty to acquire the same by paying just compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

4. The Writ Petition is, accordingly, disposed of with a direction to the respondent – authorities not to interfere with the petitioner's property admeasuring Ac.16-39 guntas in survey No.697 situated at Kulkacherla Village and Mandal, Vikarabad District, without following due process of law and without initiating proceedings under Act 30 of 2013.

Consequently, miscellaneous petitions pending, if any, in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J

Date: 15.03.2017
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