

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 28577 of 2017

ORDER:

This writ petition is filed for the following reliefs:

- (a) The action of the respondents in interfering with, meddling with an extent of Acs.476.00 cents out of Acs.700.00 in Survey No.1/1, Damavaram Village, Dagadarthi Mandal, Sri Pottisriramulu Nellore District without following any procedure or acquiring the said land under the Right to Fair Compensation and Transparency of Land Acquisition Act, 2013 as arbitrary, illegal, unjust and is unsustainable;
- (b) The action of the respondents in negotiating and mediating with the ryots, in the said extent of Acs.476.00 cents out of Acs.700.00 in Survey No.1/1, Damavaram Village, Dagadarthi Mandal, Sri Pottisriramulu Nellore District, who have no subsisting rights on the said land having sold the same to the petitioners, as arbitrary, illegal, unjust and is unsustainable;
- (c) That the respondents cannot take any steps for acquiring, meddling with or interfering with the said land of Acs.476.00 cents out of Acs.700.00 in Survey No.1/1, Damavaram Village, Dagadarthi Mandal, Sri Pottisriramulu Nellore District unless and until due notice is given to the petitioners, they are duly heard and unless and until the mandatory statutory requirements under the Right to Fair Compensation and Transparency of Land Acquisition Act, 2013 are followed after due notice, information and enquiry with the petitioners; and
- (d) Issue a consequential direction directing respondent Nos.1 to 4 not to interfere with any manner with the Acs.476.00 cents out of Acs.700.00 of land in Survey No.1/1, Damavaram Village, Dagadarthi Mandal, Sri Pottisriramulu Nellore District without following due procedure under the Right to Fair Compensation and Transparency of Land Acquisition Act, 2013 with due notice and hearing the objections of the petitioner herein and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

It is represented by the learned Government Pleader for Land Acquisition that W.P.No.10422 of 2017 is pending with regard to the claim of the petitioners for issuance of pattadar pass books and title deeds and there are several suits pending between the petitioners and the ryots through whom, the petitioners are claiming rights.

It is submitted by the learned counsel for the petitioners that the land, which is claimed by the petitioners, is being interfered by the Government for the purpose of acquisition.

As of today, no notification for acquisition was issued. Therefore, it cannot be said that either the petitioners or the Government are having title, though the learned counsel for the petitioners submitted that in the earlier round of litigation, a Memo issued by the Government was set aside by this Court.

In the circumstances, the writ petition is disposed of keeping the issue with regard to the rights of the parties open and directing the official respondents to follow due process of law with respect to the acquisition of land if they want to acquire or assert their title to the land.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:24.08.2017
kdl

