

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.4746 OF 2015

ORDER:

The writ petition is filed, under Article 226 of the Constitution of India, for the following relief:-

“declaring the action of the respondents in proposing to dispossess/encroach/interfere with the lands of the petitioners to extent of total Ac.0.50 cents (i.e., Ac.0.40 cents in Sy.No.89/7A and Ac.0.10 cents in Sy.No.89/6A), to extent of total Ac.0.85 cents (i.e., Ac.0.32 cents in Sy.No.89/7A & Ac.0.53 cents in Sy.No.89/6), to extent of total Ac.0.40 cents (i.e., Ac.0.20 cents in Sy.No.98 & Ac.0.20 cents in Sy.No.89/6C) and Ac.0.30 cents in R.S.No.98 respectively situated adjacent to Main Road Kathipudi to Pamarru iiChebrolu village of East Godavari District for widening the Road without paying any compensation nor initiating any due process of law as illegal, arbitrary, unjust and violative of Article 14, 19, 21 and 300 A of Constitution of India besides being violative of principles of natural justice and consequently direct the respondent herein not to encroach/interfere/dispossess the petitioners from their respective lands”.

2. Heard the learned counsel for the petitioners and learned Government Pleader for Panchayat Raj and Rural Development.

3. According to the petitioners, they are the absolute owners and possessors of various extents of lands in Survey Numbers mentioned above. According to the petitioners, the subject lands are agricultural lands yielding two crops per year situated on right side of the main road in Chebrolu Village. It is further stated that the petitioners

herein are cultivating their respective lands and are completely depending on agricultural income. It is further stated that the subject lands are situated adjacent to the bye-pass road connecting NH 214 leading from Kathipudi to Pamarru. It is further stated that the respondents herein have proposed to widen the road by laying four tracks. It is alleged in the affidavit filed in support of the writ petition that the respondents have marked certain portions of the petitioners' lands for laying four tracks without following due process of law, without paying compensation and without issuing any notice either under the provisions of Land Acquisition Act, Municipal Corporations Act or under the provisions of Panchayat Raj Act or any other Act.

4. A reading of the affidavit, filed in support of the application, clearly discloses that the only complaint of the petitioners is that without recourse to law, the respondents are proceeding ahead with the process of laying the road. During the course of arguments, it is submitted by the learned Government Pleader that if lands of the petitioners are required for widening/laying of the road, the respondents would follow due process of law. The said statement is recorded.

5. In view of the above, the writ petition is disposed of directing the respondents not to dispossess the petitioners from the subject property without recourse to law. It is

further made clear that it is open for the respondents to proceed in accordance with law if the lands are required for public purpose.

6 Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

21.02.2017
TSNR

