

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18381 OF 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is preferred by the petitioners seeking to declare the action of the respondents in taking steps to excavate an irrigation canal through the land of the petitioners without initiating any proceedings under the Land Acquisition Act, 1894, as illegal and arbitrary.

The affidavit filed in support of the writ petition would show that the petitioners are the co-owners and possessors of agricultural land admeasuring Acs.2-98 cents in survey No.163/2 of Sakhamuri Kandriga, Nennuru Village, Ramachandrapuram Mandal, Chittoor District, having purchased the same from J.Changamma and J.Dhananjaya Reddy. It is further averred that the authorities of Irrigation Department started taking steps for excavation of canal under G.N.S.S. Project in the land of petitioners and for that purpose they have visited the land of the petitioners on 20.08.2008 and made markings thereon. It is their grievance that without initiating any proceedings under Land Acquisition Act, the respondents are trying to excavate an irrigation canal through the land of the petitioners. Hence, present Writ Petition is filed.

On 22.08.2008, while admitting the writ petition, this Court directed the respondents not to interfere with the possession of the petitioners in respect of the land in question without following due process of law. Seeking to vacate the said order, the learned

Government Pleader for Land Acquisition filed WVMP No.3215 of 2008 along with counter affidavit.

In paragraph 3 of the counter affidavit it has been specifically averred that the allegation made by the writ petitioners that the respondents were taking steps for excavating an irrigation canal through the private land of the petitioners without initiating any proceedings under Land Acquisition Act, 1894, is false since after surveying the land, proposals as required under Section 4 (1) of the Act were not submitted to the District Collector, Chittoor, and after approval of the notification necessary action would be taken as per the procedure laid down under Land Acquisition Act, 1894.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Land Acquisition.

Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the respondents to follow due process of law before laying an irrigation canal in the land of the petitioners.

Learned AGP would submit that any action by the authorities would be only in accordance with law.

Having regard to the rival submissions made, the Writ Petition is disposed of directing the respondents to follow due process of law, including the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for taking/acquiring the land of the petitioners admeasuring Acs.2-98 cents in survey

No.163/2 of Sakhamuri Kandriga, Nennuru Village, Ramachandrapuram Mandal, Chittoor District, for the purpose of laying an irrigation canal.

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

C. PRAVEEN KUMAR, J

Date: 19.01.2017
sur

