

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11111 OF 2008

ORDER:

This writ petition is filed challenging the action of the respondents in trying to dispossess the petitioner from his agricultural land measuring to an extent of Acs.1.74 cents in Sy.No.4-13A, Ac.0.46 cents in Sy.No.4-8 and Acs.0.93 in Sy.No.3-1, in Kadiyam Savaram village of Kadiyam Mandal in East Godavari District, without issuing any notice or any proceedings under the Land Acquisition Act, as illegal and arbitrary.

The case of the petitioner is that he is the absolute owner and possessor of the subject land and that he acquired the same from his father and the petitioner is eking his livelihood by growing fruit orchards like mango, guava, neem banana etc. While so, the respondents 2 and 3 came to the land of the petitioner and started taking measurements. When the petitioner questioned them, they replied that the Gram Panchayath is intending to lay a road through the land of the petitioner and that the petitioner would be dispossessed from the said land. The respondents have not issued any notice to the petitioner and also not following the procedure for acquiring the land.

Learned counsel for the petitioner submits that the respondent-authorities are making hectic efforts to dispossess the petitioner from the subject land, even without following the due process of law.

Learned Government Pleader for Panchayat Raj submits that the allegations made by the petitioner are false and if really the property of the petitioner is required, the respondent authorities would follow 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 petitioner is in possession and enjoyment of the subject property, his possession shall not be interfered with by the respondent 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 over the subject property, except following the due process of law.

No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

September 08, 2017
KTL

RAJA ELANGO, J