

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21190 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the respondents in taking the petitioners' property i.e. an extent of Ac.0.10 cents in Sy.No.541-2 of Mulasagaram, Nandyal Municipal Limits, Nandyal, Kurnool District, without invoking the Land Acquisition proceedings, as illegal and arbitrary and consequently, direct the respondents 1 to 3 to register the alternative land or to pay compensation for the property of the petitioners.

Heard and perused the material available on record.

The case of the petitioners is that the abovementioned property is the ancestral property of the petitioners and the same is an open land abutting to main road. While so, when the petitioners went to the said land for partition through licensed Surveyor, they came to know that out of the total extent of 0.40 cents, an extent of 0.10 cents of land, the 3rd respondent laid CC road without intimation or notice to the petitioners. Therefore, the petitioners submitted representation, dated 06.05.2017, to the 3rd respondent requesting to pay compensation to the land taken by the respondents without intimation to the petitioners. Since there is no action by the 3rd respondent, the petitioners again submitted representation, dated 16.06.2017, to the 3rd respondent and also another representation, dated 19.06.2017, to the respondents 1 to 3 requesting the authorities to register alternative land for the land taken by the 3rd respondent for laying road or to pay compensation for the said land as per the market value. But, the respondents have not considered the representations of the petitioners. Hence, this writ petition.

Learned counsel for the petitioners mainly contended that though the petitioners submitted as many as three representations, the authorities concerned have not taken any action so far and therefore, the respondents may be directed to consider the representations of the petitioners and pass appropriate orders within a specific period of time.

Learned Standing Counsel for the respondents submitted that the respondents will consider the representations of the petitioners within a period of eight (8) weeks.

Considering the submissions of the learned counsel for both sides, without expressing any opinion on merits, this Court is of the view that the writ petition can be disposed of with a direction to the respondents to pass appropriate orders on the representations made by the petitioners.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representations, dated 06.05.2017, 16.06.2017 and 19.06.2017, made by the petitioners, and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 29, 2017
KTL