

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.8691 and 12443 of 2017

COMMON ORDER:

Heard Sri P.Shiva Reddy, learned counsel for the petitioners and learned Government Pleader for Road and Buildings.

Petitioners claim to be owners of different extents of lands in different survey numbers in Puttapahad Village, Kulkacherla Mandal, Vikarabad District, and Nancherla Village, Gandeed Mandal, Mahabubnagar District. They state that, though the existing 30 feet road leading from Pargi to Nancherla occupies certain portion of their lands, respondents now started to widen the existing road. Their grievance is that the respondents, without acquiring the subject lands, are laying road affecting their properties. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petitions.

It is well settled that citizens shall not be deprived of property rights protected under Article 300-A of the Constitution of India without following due process of law and, if the lands of the petitioners are required, State is at liberty to acquire the same by paying just compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

The Writ Petitions are, accordingly, disposed of with a direction to the respondent – authorities not to interfere with the petitioners' properties in Puttapahad Village, Kulkacherla Mandal, Vikarabad District, and Nancherla Village, Gandeed Mandal, Mahabubnagar District, without following due process of law and without initiating proceedings under Act 30 of 2013.

Consequently, miscellaneous petitions pending, if any, in these two writ petitions shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 10.04.2017
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