

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.13514 of 2017

ORDER:

The action of respondents, in trying to acquire the lands of the petitioners in Sy.Nos.719, 720, 722, 1103, 1104, 1105, 1106 and 1107 situated at Shamirpet Village and Mandal, Medchal District, for the purpose of road widening without initiating acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), is questioned in this Writ Petition as being illegal and arbitrary.

Petitioners claim to be pattadars and possessors of the subject lands. They state that the respondents, with a view to widen the existing road from 25 and 33 feet, had demarcated the subject lands and, on 10.04.2017, came to the subject lands, cut-off barbed wire fencing and levelled the land for the purpose of road widening. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petition.

Heard Sri T.S.Praveen Kumar, learned Counsel for the petitioners, and Sri G.Narender Rao, learned Standing Counsel for respondent Nos.5 and 6.

It is well settled that a citizen 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 Act 30 of 2013.

The Writ Petition is, accordingly, disposed of with a direction to the respondent – authorities not to interfere with the petitioners' properties without following due process of law and without initiating proceedings under Act 30 of 2013.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

Date:17.04.2017
Usd

