

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10903 OF 2017

ORDER:

This writ petition is filed challenging the action of the respondents in not following any due process of law and without paying any compensation while proceeding further to construct drain in the respective plots of the petitioners, as illegal and arbitrary and consequently, direct the respondents to pay compensation by following due procedure of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

The petitioners are the owners of Plots admeasuring 150 sq. yds., 150 and 155 sq.yds., 373.30 and 325.11 sq.yds., and 352.50 and 188 sq.yds., respectively, of Gudarigunda area of Surya Rao peta Revenue village of Kakinada, and that they are in peaceful possession and enjoyment of the same. While so, the respondents have decided to construct a big drain through the petitioners' plots along with others without following any due process of law or without acquiring the plots by following the procedure as laid down under the provisions of the Act.

Learned counsel for the petitioner submits that the respondent authorities are making hectic efforts to take possession of the properties of the petitioners even without following the due process of law.

Learned Government Pleader for Revenue submits that the allegations made by the petitioners are false. If really the properties of the petitioners are required, the respondent-authorities would follow the 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 petitioners are in possession and enjoyment of their respective properties, their 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 under any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition. Miscellaneous petition pending if any, shall stand closed.

March 27, 2017
KTL

CHALLA KODANDA RAM, J

