

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18438 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a writ of mandamus or any other appropriate writ order or direction challenging the action of the respondents in interfering in the peaceful possession and enjoyment of the petitioners agricultural lands i.e., 1st petitioner from admeasuring Ac.0-60Cents, out of Ac.2-24 cents in Sy.No.90/ 10 and Sy.No.90/ 12 and the 2nd petitioner from the land admeasuring Ac.0-29Cents out of Ac.0-46Cents in Sy.No.90/ 10 of Munjuluru Village, Bantumilli Mandal, Krishna District (herein after referred to as our lands) and trying to disposes the petitioners without any notice or enquiry as illegal, arbitrary and violative of Article 14, 19(1) (e) and 300 A of the Constitution of India and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after referred as Acquisition Act, 2013) and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement(Social Impact Assessment and Consent) Rules, 2014 (herein after referred as Acquisition Rules, 2014) and violative of Principles of Natural Justice and consequently direct the respondents not to disposes the petitioners from their respective agricultural lands in Munjaluru Village, Bantumilli Mandal, Krishna District and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for petitioners and learned Government Pleader for Land Acquisition for respondents and perused the prayer in the writ petition with supporting affidavit and other material on record.

It is the grievance of the petitioners that the respondents without any right and without invoking the provisions of the Land

Acquisition Act 30 of 2013 are trying to dispossess them from the subject lands. The source of title mentioned is their brother claimed as owner gifted the property to them and since then they are in possession and enjoyment of the same.

Having regard to the above, the petitioners are directed to approach the respondent-authorities within a week from the date of receipt of copy of this order by enclosing necessary documents including any permanent revenue record showing the title of their predecessor and respondent-Authorities consider the same and pass appropriate orders within three weeks thereafter. If the petitioners have any further grievance, it is left open to them to agitate the same in accordance with law.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date:21.06.2017
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