

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.45024 OF 2016

ORDER:

Heard Mr.Narsi Reddy for petitioners and Mr.Eshwar, Assistant Government Pleader (Irrigation).

The petitioners pray for the following relief:

“...writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in proposing to excavate a canal in the lands admeasuring Ac.2.14 guntas in Sy.No. 1034/B, Ac.027 guntas in Sy.No. 1036/B, Ac.0.16 gts in Sy.No.1035/B, Ac.0.30 gts in Sy.No. 1034/D of Ainapur village, CheriyaI mandal (Presently Komaralli mandal), Siddipet district of the petitioners without acquiring the same under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act as illegal, arbitrary and violative of Article 300-A of the Constitution of India...”

On 22.12.2016, on the request of respondents, the writ petition has been adjourned to today to get instructions on the grievance of the petitioners on threatened dispossession without recourse to law.

The respondents submit that at the first instance the steps initiated by the Department to acquire the land of petitioners as per G.O.Ms.No.123 dated 30.07.2015 could not be completed due to non-cooperation of petitioners. Therefore, it is submitted that the respondents are compelled to proceed under the Land Acquisition Act. In this behalf, the written instructions read thus:

“..the petitioners have intentionally not turned up for registrations though they have given their consents for LA. And indeed the action of the petitioners is causing inconvenience to complete the process of LA and further completion of Project, as the excavation has not been taken up in the lands of the petitioners.

The respondents would purchase lands under G.O.Ms.No.123 from the willing owners who voluntarily sell their lands for taking up the developmental work and would follow the procedure contemplated under the 2013 Act for acquiring the lands who are not willing to part with their land under the G.O.Ms.No.123. And as of now, no work is being executed in the lands of the petitioners and will not execute any work and will commence work only after acquisition of land as per the procedure under the Act.”

The statement is placed on record and the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 02-01-2017
Sp

S. V. BHATT, J

