

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.18523 OF 2017

ORDER:

This Writ Petition is filed by the petitioner with the prayer which reads as follows:-

“to issue an appropriate writ or any other order or direction particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in issuing the proceedings bearing R.C.No.674/2016(A), dated 17.4.2017 in so far as the petitioner's land Ac.0.94 cents in Sy.No.384-7 situated in Kothacheruvu Village and Mandal, Ananthapuram District, is concerned, as illegal, arbitrary, violation of Articles 14, 21 and 300-A of the Constitution of India besides being in gross violation of the principles of natural justice and contrary to the relevant statutes and consequently set-aside the same against the petitioner's land and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue representing the respondents and perused the prayer in the writ petition with supporting affidavit and other material on record, including the notice issued by the respondents dated 17.04.2017 to take possession of the subject property by payment of compensation for the assigned land.

3. When the matter is called, the learned counsel for the petitioner placed reliance on the larger bench judgment of this Court in ***LAO-cum-Revenue Divisional Officer, Chevella Vs. Mekala Pandu and others***¹, under which without land acquisition proceedings even assigned land cannot be acquired; and the said finding was also recorded by a Division Bench in Writ Appeal No.1604 of 2015, dated 06.02.2017.

4. Having regard to the above and the law laid down in the above expressions, this writ petition is disposed of, directing the respondents not to interfere with possession and enjoyment of the petitioner's over the subject property except through due process of law.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

15.06.2017

SS

¹ 2004 (2) ALD 451