

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3999 of 2010

ORDER:

Petitioners pray for mandamus declaring the action of respondents in trying to dispossess them from the land admeasuring Acs.4.83 cents and Ac.0.19 cents in R.S.Nos.392/C and 393/C respectively, of Perecherla Village, Medikonduru Mandal, Guntur District, without recourse to law, as illegal, arbitrary and unconstitutional.

By order, dated 23.02.2010, this Court directed the respondents not to interfere with the possession and enjoyment of the petitioners over the land admeasuring Acs.4.83 cents and Ac.0.19 cents in R.S.Nos.392/C and 393/C respectively, of Perecherla Village, Medikonduru Mandal, Guntur District.

The respondents filed petition to vacate the interim order, dated 23.02.2010.

The petitioners filed reply-affidavit and also a few annexures in support of their ownership, right and possession.

The respondents rely upon initiation of land acquisition proceedings through notification, dated 21.11.2001, issued under Section 4(1) of the Land Acquisition Act 1894, resulting in passing of award, dated 17.04.2002/31.03.2002.

The petitioners since have come to Court with limited prayer and after taking note of the proceedings on which the respondents are relying upon and several legal and factual grounds available against the proceedings relied on by respondents, seek leave of the Court to challenge the

proceedings issued under the Land Acquisition Act, 1894 and also seek liberty to raise grounds available under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Act 30 of 2013).

I have perused the material on record and I am satisfied, if this Court frames any point and decides on the substantive rights and pleas of parties, the same will not be in the framework of the writ prayer. The petitioners are asserting rights to agricultural land and this Court is satisfied that the writ petition can be disposed of by granting liberty to the petitioners, as prayed for, to challenge the proceedings initiated under the Land Acquisition Act, 1894 and also raise the grounds available under Act 30 of 2013.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:11.10.2017

Note: Issue cc forthwith.

(B/o)

kdl

