

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16013 OF 2017

ORDER :

The action of the respondents in laying road in the petitioner's land without initiating acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013), is questioned in this Writ Petition as being illegal and arbitrary.

The petitioner claims to be owner of the land admeasuring Ac.2.38 guntas in Survey Nos.96/A, 96/B, 97/A and 110/B situated at Nancherla Village, Gandeed Mandal, Mahabubnagar District, and he is in possession and enjoyment of the same. His grievance is that the respondents, with a view to widen the existing road, had dug his land and started laying the road, without acquiring the land. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

It is well settled that a citizen shall not be deprived of property rights protected under Article 300-A of the Constitution of India without following due process of law and, if the land of the petitioner is required, State is at liberty to acquire the same by paying just compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

The Writ Petition is, accordingly, disposed of with a direction to the respondent – authorities not to interfere with the petitioner's

land without following due process of law and without initiating proceedings under Act 30 of 2013.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 28.04.2017
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