

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12695 of 2017

ORDER:

Heard Sri P.Shiva Reddy, learned counsel for the petitioner and learned Government Pleader for Road and Buildings.

Petitioner claims to be pattadar and possessor of land admeasuring Ac.5.00 in Sy.Nos.44/a, 45/AA, 46/a and 47/a situated at Puttapahad Village, Kulkacherla Mandal, Vikarabad District. He states that, though the existing 30 feet road leading from Pargi to Nancherla occupies certain portion of his lands, respondents now started to widen the existing road. The grievance of the petitioner is that the respondents, without acquiring the subject lands, are laying road affecting his properties. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petition.

It is well settled that citizens 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 lands of the petitioner are 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 admeasuring Ac.5.00 in Sy.Nos.44/a, 45/AA, 46/a and 47/a situated at Puttapahad Village, Kulkacherla Mandal, Vikarabad District, without following due process of law and without initiating proceedings under Act 30 of 2013.

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

CHALLA KODANDA RAM,J

Date: 12.04.2017
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