

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10328 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in trying to interfere with the peaceful possession of the petitioner in house property bearing D.No.1918, Ward No.26, Kondayapalem area, Nellore, in an extent of 15 akanams 7 ½ sft., as illegal and arbitrary and consequently direct the respondents not to interfere with the peaceful possession of the petitioner in the above said property without following due process of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

The case of the petitioner is that she is the absolute owner and possessor of the above said property and she purchased the same under registered sale deed from one Alahari Pavan Kumar. While things stood thus, recently, the officials of the 2nd respondent came to the premises of the petitioner and tried to interfere with her possession over the said property, even without issuing any notice as per the provisions of the Act.

Learned counsel for the petitioner submits that the respondent-authorities are making hectic efforts to take possession of the property of the petitioner even without following the due process of law.

Learned Government Pleader for Revenue submits that the allegations made by the petitioner are false. If really the property of the petitioner is required, the respondent-authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of the property, its possession shall not be interfered with by the respondents-authorities without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject property, except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, W.P.M.Ps., if any pending, shall stand disposed of as infructuous.

March 23, 2017

KTL

CHALLA KODANDA RAM, J

