

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20018 OF 2008

ORDER:

This Writ Petition came to be filed seeking issuance of a Writ of Mandamus declaring the action of the respondents in acquiring the lands of the petitioners situated at Daderreddypally, H/o.Hussainpuram Village, Chilamuttur Mandal, Ananthapur District, as illegal and arbitrary.

Heard both sides.

The averments made in the affidavit filed in support of the writ petition would show that the 1st petitioner is the owner of garden land admeasuring Acs.5-29 cents in survey No.36-1A situated at Daderreddypally H/o.Hussainpuram Village, Chilamuttur Mandal, Ananthapur District. Likewise, the 2nd petitioner is the owner of the land admeasuring Ac.10.08 cents situated in survey No.24-1 of the same Village. While things stood thus, the first respondent addressed a letter dated 17.07.2008 to the 2nd respondent stating that the Corporation has taken a decision to establish Industrial Park at Chilamuttur and requested to identify necessary lands for taking advance possession of the lands. It is the grievance of the petitioners that without taking steps for acquisition, the authorities are trying to dispossess the petitioners. Challenging the same, present Writ Petition came to be filed.

By an order dated 15.09.2008, while issuing notice before admission, this Court directed the respondents not to take possession of any patta land for the proposed industrial park

without following the procedure prescribed under the Land Acquisition Act.

Seeking to vacate the said order, WVMP No.4940 of 2010 came to be filed along with a counter affidavit wherein it is stated that requisition dated 17.07.2008 was filed by APIIC in relation to an extent of Acres 5933.57 cents of Government land for establishing an Industrial Park. It is urged that the land holders/assignees, as the case may be, would be entitled for payment of compensation/exgratia for the land acquired for public purpose. It is further averred that due process of law would be followed by the State, if the petitioners are to be dispossessed.

Having regard to the rival submissions made and in view of the specific stand taken by the 1st respondent in the counter affidavit that due process would be followed, the Writ Petition is disposed of directing the respondents to follow due process of law, if they intend to dispossess the petitioners from the lands in question.

Miscellaneous petitions pending in this petition, if any, shall stand closed. No order as to costs.

C. PRAVEEN KUMAR, J

Date: 25.01.2017
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