

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.20283 OF 2008

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus declaring the action of the respondents in trying to dig a field channel through the land of the petitioner admeasuring Ac.0.45 cents in survey No.43/16 of Sriharinaidupeta, H/o.Krishnamvalasam, Santhakaviti Mandal, Srikakulam District, without acquiring the lands under the Land Acquisition Act, as illegal and arbitrary.

It is the case of the petitioner that the land admeasuring Ac.0.84 cents in survey No.43/16 situated in Sriharnaidupeta, H/o.Krishnamvalasa, Santhakaviti Mandal, Srikakulam District, fell to his share in partition. Out of said land, an extent of Ac.0.39 cents was acquired by the Government for the purpose of Madduvalasa reservoir project and compensation was also paid to him. However, it is his grievance that the authorities are also trying to dig in the remaining land belonging to him.

Vide order dated 18.09.2008, this Court granted interim stay of dispossession of the petitioner from the subject land. Seeking to vacate the said order, learned Government Pleader for Irrigation & CAD filed WVMP No.3910 of 2010 along with a counter affidavit.

As seen from the averments of the counter affidavit, the 3rd respondent has stated that the Department has dug a canal in the land acquired by it i.e. land admeasuring Ac.0.39 cents in survey No.43/16B and not in the land of the petitioner, as such

the question of dispossessing the petitioner from the subject land would not arise.

In view of the averments made in the counter affidavit filed by the 3rd respondent, no further orders need be passed in the writ petition. However, any action sought to be initiated by the authorities in respect of the land belonging to the petitioner, shall only be in accordance with law.

With the above observation, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions pending in this petition, if any, shall stand closed.

Date: 23.01.2017
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C. PRAVEEN KUMAR, J

