

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.11676 OF 2016

ORDER:

Heard Sri G.Naresh Kumar, representing Sri Nimmagadda Satyanarayana, learned counsel for petitioners and the Assistant Government Pleader (Revenue) for respondents.

The petitioners pray for the following relief:

“.....this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in insisting the petitioners to vacate from their agricultural land property admeasuring Ac.0.20 Cents out of Ac.12.96 Cents in survey numbers 228/3 and 240/6 of Tirumalampalem revenue village in Dwarakatirumala Mandal of West Godavari District, without acquiring the requisite portion of land by following the provisions of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, irregular, irrational, without jurisdiction and violative of the articles 14, 21 and 300A of Constitution of India and consequently direct the respondents not to interfere with possession of petitioners over the said land and to and pass...”

On 12.04.2016, this Court directed respondents not to interfere with the possession and enjoyment of petitioners over the strip of agricultural land measuring Ac.0-20 cents out of Ac.12-96 cents in Sy.Nos.228/3 and 240/6 of Tirumalampalem Revenue Village in Dwarakatirumala Mandal of West Godavari District without course to law.

The 4th respondent filed counter affidavit. For making the interim order as final order, the stand taken in the counter affidavit is excerpted:

“In reply to para 2 of the affidavit, it is submitted that the respondents herein never asked the writ petitioners to vacate the land, measuring an extent of Ac.0-20 cents out of Ac.,12-96 cents covered by R.S.No.228/3 and 240/6 of Tirumalapalem Village. It is an apprehension of the writ petitioners.

In reply to para 3 of the affidavit, it is submitted that the writ petitioners are having the following lands in Dwaraka Tirumala Mandal as detailed below.

1) Smt.Venigalla Padmaja	R.S.No.228/3	Ac.3-46 cents
	R.S.No.240/6/A	Ac.4-50 cents
	Total =	7-96 cents

2) Sri Venigalla Sunil Kumar	R.S.No.24/6/B	5-00 cents
	Grand Total	Ac.12-96 cents

In reply to para 4 of the affidavit, it is submitted that no land acquisition proposal is initiated for the above land and the question of payment of compensation to the writ petitioner does not arise under New Land Acquisition Act, 2013.

In reply to para 5 of the affidavit, it is submitted that the Surveyor inspected the land in R.S.No.240/6 and R.S.No.228/3 on Western side and Eastern side there is one pathway existed and it was utilized by the surrounding farmers for going to their fields, but it was not marked in the F.M.B and village map”.

Having regard to the stand taken in the counter affidavit, the interim order dated 12.04.2016 is made final order in the writ petition.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

S.V.BHATT,J

20th June, 2017

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