

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.40659 OF 2017

ORDER:

The case of the petitioner is that he is the owner and possessor of land admeasuring Ac.0.93cents in Survey No.631/1, Ac.0.99 cents in Survey No.632/1; Ac.0.85 cents in Survey No.633/1; Ac.0.93 cents in Survey No.634/1, and Ac.1.57 cents in Survey No.635/1-2, situated at Dhampur Village, Vidavaluru Mandal, Kavali Revenue Division, SPSR Nellore District having acquired the same from his father who is a freedom fighter; and that the aforesaid total extent of land of Ac.5.27 cents was allotted to his father under Freedom Fighter quota by the Government. After demise of his father, petitioner succeeded the aforesaid land and his name was also mutated in the revenue records and got issued pattadar pass books and adangals. While so, the respondents 3 and 4 came to the petitioner's property and started laying road across the said land. When petitioner questioned the same they have informed that they are proposing to lay the road through petitioner's lands. Aggrieved by the action of the respondents in laying road without following due process of law, present writ petition is filed.

Learned counsel for the petitioner submits that already there is an existing road, but the respondent authorities are widening the said road which affects the lands of the petitioner.

Learned Assistant Government Pleader for Panchayat Raj produced written instructions stating that no assignment patta was granted to the petitioner's father; that the said land is

classified as pathway as per RSR, and as such, initiating proceedings under Land Acquisition Act does not arise.

A perusal of the Adangals filed by the petitioner goes to show that petitioner is having lands in Survey Nos.631-1 to an extent of 0.93 cents and in Survey no.635-1-2 to an extent of 1.25 cents. A perusal of the pattadar pass book filed by the petitioner shows that he is having land to an extent of 0.93 cents in Survey No.631/1, 0.99 cents in Sy.No.632/1, 0.85 cents in survey No.633/1, 0.93 cents in Survey no.631/1 and 1.57 cents in Survey no.635/1-2.

Learned Assistant Government Pleader for Panchayat Raj opposes the same and states that the petitioner is not having any right.

Prima facie, copies of pattadar pass books and Adangals filed by the petitioner goes to show that he is having land in the aforesaid survey numbers. In view of the same, the respondent authorities are directed not to evict the petitioner from the subject land without following due process of law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.12.2017
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