

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44690 OF 2017

ORDER:

This Writ Petition is filed seeking the following relief:

“....to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring action of the respondents in seeking to enter and encroach to an extent of Ac.0-29 guntas out of Ac.18.09 guntas in sy.No.61 of Ananthapur Village, Gadwal Mandal, Jogulamba Gadwal District as being arbitrary, illegal, unconstitutional and null and void and consequently direct the respondents to lay the B.T. Road on top of the public road without any deviation as shown in the Village Map and pass such further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue (TG).

It is the case of the petitioner that she is the absolute owner and possessor of land in an extent of Ac.18-09 Guntas, situated in Sy.No.61 of Ananthapuram village, Gadwal Mandal, Jogulamba Gadwal District, erstwhile Mahabubnagar District and her name was also mutated in the revenue records. It is further submitted that there is a public road abutting her land and the general public are using it as a 'Kutchra rasta' to commute between Ananthapur and Itkyl village, which is at a distance of about 11 Kms. By passage of time, the same has become B.T. road and now respondents 4 to 7 started the B.T. topping of the Vayvat road, abutting Sy.No.58 of Ananthapur village, and started B.T. topping or laying a regular road on top of the existing public road. It is further submitted that in the process of laying the regular road, the respondents are illegally entering into her private land, situated in Sy.No.61 of Ananthapuram village, without considering her appeal and without following due process of law, ignoring the original Village Map. It is further submitted that there is no sanction or approval for the B.T. topping or laying of road between Ananthapuram and Itkyl village,

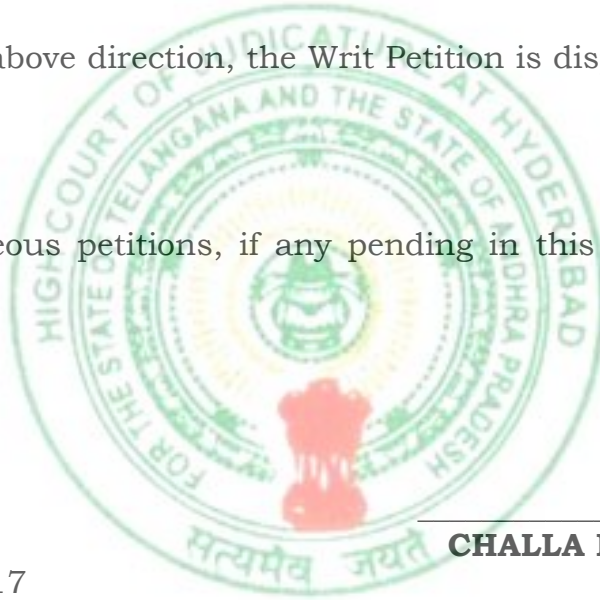
which only to cater the needs of a few people. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue (TG).

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 her property, her possession shall not be interfered with by the respondent-authorities without following due process of law as enjoined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short "Act 2013") or in any other law.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.



Dated: 29.12.2017

CHALLA KODANDA RAM, J

Note: CC to be issued in 3 days.

B/o
Ssv