

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2185 of 2018

ORDER:

This writ petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of respondents 2 to 6, highhandedly interfering and dispossessing the petitioners from the land in Sy.No.138-2B to an extent of Ac.0.72 cents situated at Erramanchi Village, Penukonda Mandal, Anantapur District and pressurizing the petitioners to give consent for acquisition of the above said land for industrial purpose, without issuing any notice, without following any procedure and without initiating Land Acquisition Proceedings under the Act, 2013 is illegal, arbitrary, violation of principles of natural justice and also violation of Article 300-A of Constitution of India and consequently direct the respondents not to interfere into the peaceful possession and enjoyment of the petitioners’ land.”

Learned Assistant Government Pleader produced before this Court a copy of written instructions, dated 24.01.2018 and submits that the land to an extent of 0.72 acres in S.No.138-2B is a patta land and stands in the names of writ petitioners; that as per G.O.Ms.No.181, APIIC authorities have taken action with regard to the patta lands and in this regard, survey work has been taken up in the field in S.No.138-2B along with the lands of other farmers, who gave consent, and that the writ petitioners are not dispossessed from the schedule property. He also submits that as on date, no land acquisition proceedings

have been initiated and as and when such proceedings are initiated, necessary steps including possession of the land would be taken in accordance with law.

From the above, it is clear that survey has been conducted. However, it is permissible for the respondent authorities to conduct preliminary survey under Section 12 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, before issuing notification under Section 11 thereof. So, conducting survey by the authorities concerned cannot be found fault with in any manner.

In those circumstances, the writ petition is closed by placing on record the aforesaid written instructions.

Miscellaneous Petitions, if any pending shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

25th JANUARY, 2018.

kvni