

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3442 of 2018

ORDER:

This writ petition is filed seeking to declare the action of the respondents in trying to dispossess the petitioners from the land admeasuring Ac.0.19 cents in Door Nos.66/3 and 136-2A situated at Nadikudi Village, Dachepally Mandal, Guntur District, as illegal and arbitrary and consequently direct the respondents not to proceed with the said land without initiating any acquisition proceedings.

The grievance of the petitioners is that respondent Nos.2 to 5 are trying to make construction of a water tank on their land without following due process of law.

Heard learned counsel for the petitioners and learned Government Pleader for Panchayat Raj.

The petitioners filed copies of pattadar pass books and Form 1-B issued under the Rights in Land and Pattadar Pass Books Act, 1971, a perusal of which shows that they are in possession of the land in question. Therefore, their possession shall not be interfered with by the respondents without following due process of law and without paying compensation as enjoined under the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013. For argument sake, if it is assumed that the land owned by the

petitioners is an assigned one, the same can be taken only by paying adequate compensation which is equivalent to prevailing market value, in the light of the judgment of the Constitutional Bench of this Court reported in **Land Acquisition Officer-cum-Revenue Divisional Officer Vs. Mekala Pandu**¹.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

Dt:06.02.2018

kdl

CHALLA KODANDA RAM, J

¹ 2002(5) ALD 23

