

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.4430 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue order or orders, direction or directions, writ or writs particularly one in the nature Writ of Mandamus or any appropriate writ declaring the action of the respondents particularly respondents 3 & 4 in encroaching the petitioner's land to an extent of 300 Sq.Yrds situated in Plot No.1 and 23 in Survey No.121 of Kateswaram Svar (Now Gowtham Nagar) and Mandal, Nizamabad in ward no.6, Block no.24 situated at Shastrinagar, Nizamabad without following due process of law is against the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, violative of principles of natural justice and violative of article 14, 21 and 300 A of Constitution of India consequently direct the respondents not to encroach the petitioner's land to an extent of 300 Sq.Yrds situated in Plot No.1 and 23 in Survey No.121 of Kateswaram Svar (Now Gowtham Nagar) and Mandal, Nizamabad in ward no.6, Block no.24 situated at Shastrinagar, Nizamabad and to pass such other order.....”

2. Heard the learned counsel for the petitioner, learned Government Pleaders for Municipal Administration and Revenue for respondent Nos.1 and 2 respectively and Sri V.Satyam Reddy, learned Standing Counsel for respondent Nos.3 and 4 and perused the prayer in the writ petition with supporting affidavit, the proceedings of respondent No.3-Nizamabad Municipal Corporation, dated 29.01.2018 and the other material on record.

3. The learned Standing Counsel placed on record, the proceedings dated 29.01.2018, issued by respondent No.3, to the petitioner, which shows that Sy.No.121 is not covered in the park land and the existing park land is located in Sy.Nos.107, 108, 122, 123, 124, 125, 126, 138, 139, 144 and 145 of Gowtham Nagar, Nizamabad vide L.P.No.338/ 85 & 462/ 86 and the respondent-

authorities are not interfering with any land of the petitioner in Sy.No.121 and his apprehension is with no basis or truth.

4. Recording the same, the Writ Petition is disposed of. However, the respondents are directed to cause demarcate, if at all the boundary line between Sy.No.121 and other Sy.Nos. abutting to it, in developing park in their property, other than the property of the petitioner in Sy.No.121.

5. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

Date: 14.02.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

