

8THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 7132 and 7133 of 2018

COMMON ORDER:

These writ petitions are being disposed of by this common order as the relief sought therein is one and the same.

Petitioners state that they are the owners of various extents of agricultural land in different survey numbers of Midjil Village and Mandal, Mahabubnagar District. On an earlier occasion, an extent of Acs.8.11 guntas of the land of the petitioners was acquired for the purpose of digging Kalwakurthy Main Canal from Gudipalligattu balancing reservoir. Now, the grievance of the petitioners is that under the guise of undertaking the works of Kalwakurthy Main Canal, the respondents are interfering with their possession over the subject lands. It is specifically asserted in the writ affidavit that as on date, no acquisition proceedings have been initiated and on the other hand, the Contractors appointed by the respondent authorities are highhandedly undertaking the digging activities. Hence, these writ petitions.

Heard the learned counsel for the petitioners.

Learned Government Pleader for Land Acquisition submits that as on date, no land acquisition proceedings are initiated, however, only a survey is being undertaken, which is permissible. He further submits that the allegations made in the writ affidavit are false.

It is well settled that no person shall be deprived of his property without following due process of law as 'right to property'

is guaranteed under Article 300-A of the Constitution of India. In the present case on hand, no land acquisition proceedings are initiated as on date and the procedure contemplated under the provisions of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013 has not been followed. Therefore, there cannot be any interference with the lands of the petitioners. However, Section 12 of the Act permits preliminary survey of the land for which purpose, the Officers can enter into the land, but a prior notice is required to be issued to the parties before such survey.

In those circumstances, the writ petitions are disposed of with a direction to the respondent authorities to strictly adhere to the procedure prescribed under Section 12 of the Act and the Rules made thereunder before entering into the lands of the petitioners even for survey.

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

CHALLA KODANDA RAM, J

Dt:12.03.2018

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