

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.6256 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the action of the respondents particularly respondent Nos.2 and 3 in attempting to lay road on the part of petitioners agriculture land and the adjacent vacant house site in Sy.No.262/3 and in Sy.No. 260/13 of Ragimanu Pattadi Village, Gudipala Mandal, Chittoor District respectively, at the instance of respondent No.4 even without acquiring the same as per the provisions of The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 as illegal, unjust and arbitrary.

It is contended that the brothers of the petitioner No.2 partitioned the ancestral properties by an unregistered partition deed. In respect of the house property in Sy.No.260/13 Ragimanu Pattadi village, Gudipala Mandal, Chittoor District in an extent of 74 feet east to west and 34 feet north to South, petitioner No.2 executed registered gift deed in favour petitioner No.1 vide document No.6007/2015. As the villagers are trying to interfere with the possession and enjoyment of the property, they filed I.A.No.551 of 2015 seeking temporary injunction and the same was granted against the respondent No.4 and his followers.

It is also contended that there is a old thatched house existing in the land in dispute, the same was recently collapsed and on 02.01.2016 when the petitioners were levelling the land for constructing new thatched house, the respondent No.4 and his

men caused obstruction, as such the petitioners were forced to file O.S.No.7 of 2016 on the file of Principal Junior Civil Judge, Chittoor and obtained interim injunction. While the matters stood thus, the respondent No.3 visited the site and took measurements with an intention to lay road on part of agricultural land and the adjacent vacant house site in Sy.No.262/3 and in Sy.No.260/13 of Ragimanu Pattadi Vilalge, Gudipala Mandal, Chittoor District at the instance of respondent No.4 without following due process of law and prayed to allow the writ petition.

Respondent No.3 filed counter admitting that the petitioners herein are the owners of the land in dispute in Sy.No.262-3 in extent of Ac.0.90 cents and this land was given under settlement patta and it belongs to the petitioner No.2 herein and a cart track is passing through this land since several years and the villagers are passing through this road from Ragimanupattea village to reach highway of Tamilnadu, but due to political grudges among the villagers, the petitioners closed the cart track, and not allowing the petitioners to use the same. Respondent No.3 also asserted that the Government have not made any efforts to lay road in the lands of the petitioners herein and the present writ petition is misconceived and prayed to pass appropriate orders.

In view of the admission made by the respondent No.3 in his counter about the ownership and enjoyment of the property by the petitioners while denying their intention to lay the road, learned counsel for the petitioner requested this Court to direct the respondent No.3 not to lay the road without acquiring the land in terms of Right to Fair Compensation and Transparency in Land

Acquisition, Rehabilitation and Resettlement Act, 2013 and the learned Government Pleader agreed for the same.

In view of the admissions made in the counter and assertions made by the petitioners with regard to the ownership of the land, the respondent No.3 is hereby directed not to lay any road through the land of the petitioners in Sy.No.262/3 and in Sy.No. 260/13 of Ragimanu Pattadi Village, Gudipala Mandal, Chittoor District without acquiring the land as per Land Acquisition Act.

With the above direction, the writ petition is allowed.

The miscellaneous petitions pending, if any, shall also stand closed.

24.04.2018
Ksp



JUSTICE M. SATYANARAYANA MURTHY