THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.9342, 9346, 9484, 9485, 9495, 9508, 9509, 9510, 9511 and 9542 OF 2018

Dated:18.04.2018

W.P.No.9342 of 2018

Between:

Gudivalli Suresh Babu,
W/o. Ramachandra Rao, aged
60 years, Occ: Business,
R/o.D.No.10-146, Chowdhary
Peta Vijayawada .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat Buildings, Velagapudi,
Guntur district and others .. Respondents

The Court made the following:

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COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Revenue appearing for respondents 1 to 4 and Sri E. Madan Mohan Rao, learned standing counsel for Airport Authority of India appearing for respondent No.5.

2. These Writ Petitions are filed declaring the action of the respondent authorities in attempting to construct compound wall surrounding the lands of the petitioners and threatening to dispossess them from their respective properties mentioned in the prayers of the respective Writ Petitions.

3. The facts on record would disclose that large extent of land was earlier acquired for the purpose of establishment of Airport in Gannavaram Mandal in Krishna District. However, certain portion of land, earlier acquired, was re-delivered after refund of compensation by the original owners and they were put back in possession. Thereafter, some of the original owners alienated the land and in the said manner, petitioners are claiming possession. Petitioners now apprehend that even though possession was re-delivered and all of them are in occupation, the respondent authorities are threatening to dispossess them without following due process of law.

4. Counter affidavits deposed by the Tahsildar, Gannavaram Mandal, Krishna District, are filed. Along with the counter affidavits, letter addressed by the Tahsildar, Gannavaram Mandal,

to the Director, Airport Authority of India, in April, 2018 is enclosed. The said letter contains a tabulated statement, wherein the names of nine persons are mentioned and against each of them, relevant survey number, sub-division number with extent of plots owned by them, whether RCC building is constructed and status of the land classified are mentioned. At the end of the table, it is stated that R.S.Nos.433 and 434 are not notified in land pooling notification dated 20.02.2016. Therefore, a clarification is sought from the Airport Authority of India as to whether those survey numbers are required for expansion of Airport and if required to submit land plan schedule.

5. In the counter affidavits, it is also stated that persons, who repaid the value of the land along with the stamp duty, the land was re-conveyed and possession was re-delivered to the owners. The table appended to paragraph No.6 of the counter affidavits contains the names of owners in whose favour the land was re-delivered. It is further stated that the respondent authorities are not taking steps for dispossession of the petitioners from the house site plots. However, it is asserted that petitioners are not in possession and enjoyment of the plots, as claimed by them, but they are in possession of land in different survey numbers. It is also asserted that without following due process of law, respondent authorities would not take any steps against petitioners and the Writ Petitions are filed merely based on apprehension.

6. Having regard to the categorical assertion of the Tahsildar, Gannavaram Mandal, and the letter addressed to the Airport Authority of India, which is enclosed to the respective counter

affidavits, the Writ Petitions are disposed of directing the respondent authorities to follow due process, as required, before dispossessing the petitioners from the subject lands mentioned in the respective prayers of the Writ Petitions. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in the Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:18.04.2018
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