

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 2821 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner with the following relief :

“ to declare the inaction of respondent Nos. 3 and 4 in trying to lay road in the mist of the agricultural lands belonging to the petitioner in Kadthal Village of Nirmal Mandal, Adilabad District, without following due procedure of law, without acquiring the lands of the petitioner and without paying compensation to the petitioner, as illegal, arbitrary and violative of Article 300-A of the Constitution of India, and consequently direct the respondent Nos. 3 and 4 herein not to possess the petitioner from his land in Sy.No.258/13 of an extent of Ac.0.18 gts situated at Kadthal Village, Normal Mandal, Adilabad District, without following due process of law”.

The case of the petitioner is that he is the owner of the land of an extent of Ac.0.18 guntas situated at Kadhtal Village, Nirmal Mandal, Adilabad District and his name was mutated in the revenue records. While he is enjoying the property in his own right, in the year, 2005, the Panchayat Raj Department started laying road in the lands belonging to this petitioner and thereupon the petitioner and other villagers objected for laying road without acquiring the land and payment of compensation. Temporarily, the work for laying road was stopped and after 10 years, respondent No.4 again started laying road in the lands of the petitioner without following necessary procedure and without acquiring the land and payment of compensation. Therefore, laying road is in the patta

land is questioned in this petition and requested this Court to declare the action of respondent No.4 as illegal.

Learned Government Pleader for the State of Telangana, based on Written instructions dt. 16.02.2016, contended that in view of the objections for laying road in the patta land of this petitioner and other villagers, no road is being laid as on today and placed on record the Written Instructions submitted by the Revenue Divisional Officer and requested this Court to pass appropriate orders.

In view of the Written Instructions placed on record by the learned Government Pleader, the road widening is not being taken up and therefore, the question of disturbing the possession and enjoyment of the property by the respondents would not arise. Therefore, recording the said submission of the learned Government Pleader, the Writ Petition is to be closed giving liberty to this petitioner to renew his request at appropriate state. However, Respondent No.4 is not entitled to lay road without following due process i.e., acquisition of land on payment of compensation. But, this Order will not preclude respondent No.4 to take appropriate steps to acquire the land and to pay compensation to lay the road.

With the above observation, this Writ Petition is disposed of.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 23-04-2018
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Dt. 23-04-2018



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