

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 10656 of 2006

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner seeking a writ of mandamus to declare the action of the respondents in trying to dispossess her from the agricultural land to an extent of Acs.12.00 in Survey No.270 situated at Navuluru Village, Mangalagiri Mandal, Guntur District, as illegal and arbitrary. A consequential direction is also sought to direct the respondents not to dispossess the petitioner from her agricultural land without following due process of law.

2. Heard Mr. G. Vijaya Babu, learned counsel for the petitioner, and the Government Pleader for revenue (AP) appearing for the respondents.

3. It has been submitted by the learned counsel for the petitioner that the petitioner is the absolute owner of agricultural land to an extent of Acs.12.00 in Survey No.270 of Navuluru Village, Mangalagiri Mandal, Guntur District. She had leased out the said land in favour of private individuals and the income derived out of the land as rent is her only source of livelihood. While matters stood thus, the respondents had entered into the land and conducted survey. When she enquired the respondents, they informed that they intended to acquire the land for the purpose of distributing the same to landless poor persons as house sites. If the respondents intend to acquire the land, they should initiate proceedings under the provisions of the Land

Acquisition Act. But however, the respondents had not followed the due process of law. In those set of circumstances and under the threat of dispossession from her land, the petitioner filed the present writ petition.

4. On 31.05.2006, while admitting the writ petition, this Court passed an order in W.P.M.P.No.13318 of 2006 directing the respondents not to dispossess the petitioner except by initiating proceedings in accordance with law.

5. The counsel for the petitioner contends that by virtue of the said interim order, the petitioner is in possession and enjoyment of the agricultural land.

6. Learned Government Pleader for Revenue appearing for the respondents submits that if really the respondents acquire the land of the petitioner for the purpose of allotting the same to the landless poor persons as house sites, they would follow the due process of law.

7. Having considered the submissions made by the parties, the writ petition is disposed of with a direction to the respondents to follow the due process of law, if they want to acquire the agricultural land of the petitioner.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

14th March, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 10656 of 2006
(disposed of)

14th March, 2018

cbs