

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11775 of 2008

ORDER:

This Writ Petition is filed seeking the following relief:

“.....to issue a Writ, direction order or orders especially one in the nature of Writ of Mandamus declaring the action of the 1st respondent in trying to dispossess the petitioner from his land of an extent of Ac.0-70 cents in R.S.No.250/1 of Chinan Ramachandrapuram Pet, Ganapavaram Village and Mandal, West Godavari District, as illegal, arbitrary and Art.300-A of the Constitution of India and consequently direct the respondents to desist from doing any illegal act and pass such other order or orders as are deemed fit and proper.”

Heard the learned counsel for the petitioner.

Learned Government Pleader for Irrigation (AP) placed on record the instructions received from the Assistant Executive Engineer, Irrigation Section, Ganapavaram, West Godavari District, which reads as under:

“In this connection, I am further submitting that, the R.S.No.250/1 is a private land, the department officials are can't take any type of activities in private land and the respondent-1 never tried to dispossess the petitioner from RS No.250/1, whereas, the department has no right to take any activities in private land and as well as dispossess.

In this context, I am further submitting that, there is a department land in RS No.249, which is adjacent to the RS No.250/1. The Venkaiah & Wayyeru canal is passing through the RS.No.249, only developmental activities may be taken up, the department utilized the Government land in RS No.249 only.

In view of the explained above, I am respectfully submitted that, there is no requirement of private land and no requirement to dispossess of petitioner from RS No.250/1 of Chinaramachandrapurampet of Ganapavaram village. This department has a great trust in court of Law.”

In the light of the above instructions, it is clear that the respondent authorities do not require the land in Sy.No.250/1. In those circumstances, the stand taken by the respondents put on record, by making it clear, in the event for any purpose, if the land of the petitioner in Sy.No.250/1 is required, the same shall be taken only by following due process of law after paying due compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013..

With the above direction, the Writ Petition is disposed of. No costs.

Consequently, Miscellaneous Petitions pending, if any, shall also stand closed.

Date: 25.10.2018

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CHALLA KODANDA RAM, J

