

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.14075 OF 2007

ORDER:

This Writ Petition is filed to declare the action of the respondents in acquiring the petitioner's land situated in survey Nos.221-4 and 222-1A/1 to an extent of Ac.1-28 cents and Ac.0.43 cents total admeasuring Ac.1.71 cents at Kukkalapalli Village & Post, Ananthapur Rural District (for short 'subject lands'), without any notification, as illegal and arbitrary.

2. The case of the petitioner is that he is the absolute owner and possessor of the subject lands apart from owning other lands. Petitioner states that he purchased the subject lands from one Mahaboob Khan through registered sale deed No.1676 of 1965 and one Bandi Narayanappa through registered release deed No.4938/1970 and since then he has been in peaceful possession of the lands. While so, the respondents visited the subject lands repeatedly, proposing to acquire the same for the purpose of Rajiv Gruha Kalpa. The petitioner further states that on 28.06.2007, the officials of the respondents visited the subject lands and forced the petitioner to hand over the possession of the lands, without issuing any notice. Aggrieved by the said action, the present writ petition came to be filed.

3. This Court, while admitting the writ petition on 03.07.2007 granted interim stay of all further proceedings including dispossession of the petitioner. Though the matter is pending since the year 2007, no counter is filed till date.

4. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader.

5. This Court and Apex Court repeatedly held that the patta lands should not be taken and pattadars who are in possession of the land should not be evicted, without following due process of law as their rights under Article 300A of the Constitution of India would be infringed.

6. Therefore, the Writ Petition is disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner over the subject lands without following due process of law.

7. Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

19th January, 2018
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(M.GANGA RAO, J)