

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

WRIT PETITION No.42540 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the respondents in interfering with the petitioners' land situated in Survey Nos.1066 and 1067 of Atmakuru Town and Mandal, Sri Potti Sriramulu Nellore District, as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Municipal Administration and Public Health (A.P.).

3. A perusal of the record reveals that petitioner No.1 purchased an extent of 320 square yards of vacant land in Survey No.1066 of Atmakuru Town, S.P.S.R.Nellore District, from one Yallala Venkata Ratnam and others through a registered sale deed dated 10.03.1999. Petitioner No.2 purchased an extent of 480 square yards of vacant land in Survey No.1066 of Atmakuru Town from Yallala Venkata Ratnam and others through a registered sale deed dated 06.03.1999. Petitioner No.3 purchased an extent of 268 square yards in Survey No.1066 of Atmakuru Town from Yallala Venkata Ratnam and others through a registered sale deed dated 12.03.1999. Petitioner No.4 purchased an extent of 176 square yards in Survey No.1067 of Atmakuru Town from Pulivendula Ramaiah and others through a registered sale deed dated 15.09.2011. Petitioner No.5 purchased an extent of 160 square yards in Survey No.1067 of Atmakuru Town from Pette Chinna Ankaiah and others through a registered sale deed dated 15.01.2013. Petitioner No.6 purchased an extent of 212 square

yards in Survey No.1067 of Atmakuru Town from one Konduru Prasanna Chakravarthi through a registered sale deed dated 01.07.2010. Petitioner No.7 purchased an extent of 176 square yards in Survey No.1067 of Atmakuru Town and Mandal, S.P.S.R.Nellore District, from one Penagaluru Bonthaiah through a registered sale deed dated 23.02.2013. It is the case of the petitioners that they have been in possession and enjoyment of the lands purchased by them. It is the further case of the petitioners that the respondents herein without any right whatsoever interfering with their lands.

4. A perusal of the record *prima facie* reveals that the petitioners herein have purchased the above said lands under registered sale deeds. The respondents have no right whatsoever to acquire the lands in question without following the due procedure.

5. Taking into consideration the facts and circumstances of the case, respondent Nos.2 to 4 are hereby directed not to dig the canal in the lands of the petitioners without following the procedure as contemplated under the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T. SUNIL CHOWDARY, J

Date: 01.05.2018
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