

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26225 of 2018

ORDER:

Heard learned counsel holding for Ms.Kalpana Badola for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners pray for the following relief:

“.....Writ of Mandamus by declaring the action of the 4th Respondent in threatening to dispossess the Petitioners from the i) lands admeasuring Ac.0-80 cents in Sy.No.487/2F, belonging to the 1st Petitioner ii) lands admeasuring Ac.2-00 cents in Sy.No.487/2E, belonging to the 2nd Petitioner iii) lands admeasuring Ac. 4-29 cents in Sy.No.487/2G, belonging to the 3rd Petitioner iv) lands admeasuring Ac.3-07 cents in Sy.No. 487/2H, belonging to the 4th Petitioner total admeasuring Ac.10-16 cents, all situated at Mukkollu Village, Kirlampudi Mandal, East Godavari District, without issuing any notice or affording an opportunity of hearing them, as arbitrary and illegal,”

On 27.07.2018, at the request of respondents, time was granted to get instructions.

As noted above, the petitioners invoked the extraordinary jurisdiction of this Court apprehending dispossession of petitioners from subject matter of the writ petition, without recourse to law. The 3rd respondent places on record, the written instructions dated 28.07.2018.

The operative portion reads thus:

“I submit that, again after a detailed land survey, revised Preliminary Notification proposals for acquisition of land measuring an extent of Ac.35-93 cts were submitted to the District collector and the same was approved by the District u/s 11(1) of the LARR Act. Out of the approved extent the land measuring an extent of Ac.0-57 cts was belongs to 2nd and 4th petitioners was noted in Sl.No.98 and 99 as Ac.0.26 cts in S.No.487/2B belongs to 2nd petitioner Smt Kunchi Gangayamma and Ac.0.31 cts in S.No.487/2C belongs to 4th petitioner Sri Kunchi Veeraswami.

I further submit that in the present case the land measuring an extent of AC.35-93 cts including Ac.0-57 cts i.e., Ac.0.26 cts in S.No.487/2B and Ac.0.31 cts in S.No.487/2C of 2nd & 4th writ petitioners are proposed for acquisition in accordance with law and the 1st & 3rd writ petitioners are with an apprehension approached and knocked the golden threshold of the Hon'ble High Court of Judicature at Hyderabad, without availing the remedies provided under LARR Act, 2013.

I further submit that the respondent 1 to 4 are not threatened to the writ petitioners at any point of time as they are the title holders for their respective lands as shown above and the respondents going to be acquire the land of the writ petitioners 2nd and 4th for an extent of Ac.0-57 cts only after observing all the modalities under LARR Act, 2013 and in accordance of law.”

From the above, it is clear that firstly the writ petition is filed on mere apprehension and secondly, the respondents state that procedure stipulated by law is followed, while affecting the propriety right or possession of petitioners.

In view of the above, this Court is of the view that the writ petition need not be entertained.

Hence, the writ petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 30.07.2018
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