

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22133 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in proposing to acquire the land of the petitioners situated in Sy.No.502/2 of Sankalmaddi village, Addakul Mandal, Mahaboobnagar District, without following the due process of law and without initiating the Land Acquisition proceedings, as illegal and arbitrary, and consequently sought a direction, directing the respondents not to take any coercive steps to acquire the land of the petitioners.

Heard Sri A.Vishnuvardhan Reddy, learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

It has been contended by the petitioners that originally they have possessed Ac.9.11 gts of land in Sy.No.502/2 of Sankalmaddi village, Addakul Mandal, Mahaboobnagar District, having purchased the same by way of simple sale deed, dated 11.05.1958 from the pattedar late Sri Venkata Kishan Rao, and ever since then they have been in peaceful possession of the said land. While the petitioners were in possession of the said land, the Government during 1981 had acquired Ac.1.08 gts of land for the purpose of distribution of house sites to the weaker sections, and accordingly, a compensation was paid to the petitioners, vide proceedings dated 09.03.1981. It has further been contended by the petitioners that during 1982 the respondents had further acquired Ac.2.35 gts of land and paid compensation to the petitioners, in pursuance to the orders passed by the Additional Subordinate Judge, Mahaboobnagar District in O.P.No.112/1982, dated 30.12.1982. It is the case of the petitioners that in respect of the remaining balance land of Ac.5.08 gts is concerned, they have voluntarily donated the same during 1967 even before the respondents had acquired the land to the weaker sections for construction of houses. However,

out of Ac.5.08 gts, the petitioners have retained 1400 sq.yards for their personal use. It has been contended by the petitioners that at the instance of the then local MLA, respondent No.2 is interfering with the said land of 1400 sq.yards of the petitioners. In those set of circumstances, the present writ petition is filed.

Learned Government Pleader for Land Acquisition has contended that the petitioner are not having any extent of land, and Ac.4.03 gts of land was acquired by the respondents for distribution of house sites to the weaker sections, that according to the petitioners, they have distributed the remaining balance land of Ac.5.08 gts to the landless poor for construction of houses, and therefore, the petitioners are not in physical possession of 1400 sq.yards of land.

This court, having considered the rival submissions made by both the parties, without expressing any opinion on the merits of the case, is of the considered view that this writ petition can be disposed of, if at all the petitioners are in possession of land to an extent of 1400 sq.yards in Sy.No.502 of Sankalamaddi village, Addakul Mandal, Mahaboobnagar District, as contended by the petitioners, the respondents shall not dispossess them from the said land, without following due process of law.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 26.04.2018
Dsr