

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28714 of 2018

ORDER:

It is the case of the petitioner that he is in occupation of Ac.0.08 cents of land covered by Door No.1-171/A, Suryaraopet, H/o Garlamadugu, Pedavegi Mandal, West Godavari District, since thirty years and in proof of the same, he filed ration card, power bills issued by the Eastern Power Distribution Company Limited, property tax demand notices and property valuation report issued by the Panchayat Secretary of the Gram Panchayat. It is the grievance of the petitioner that on account of the political rivalries in the Village and on account of the animosities which he has with certain ruling party leaders, the respondent authorities are interfering with his possession and enjoyment over the subject property, under the guise of strengthening of the tank bund. Hence, he filed the present Writ Petition seeking a Mandamus.

Learned counsel for the petitioner submits that if the subject property of the petitioner is required for strengthening of the tank bund, the respondents shall follow due process of law.

On the other hand, learned Government Pleader submits that the allegation of the petitioner that the respondents are interfering with his possession and enjoyment over the subject property is not true and in view of the apprehension expressed by the petitioner, the respondent authorities may be directed not to interfere with the possession and enjoyment of the petitioner over the subject property without following due process of law.

In the light of the respective submissions, this Writ Petition is disposed of with the direction to the respondents not to interfere with the petitioner's possession and enjoyment over the subject property without following due process of law. It is made clear that in the event the petitioner establishes his ownership rights in the subject property, he is entitled to compensation as may be determined in the proceedings either under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or under any other law applicable.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

14th AUGUST, 2018.
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