

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.30651 of 2018

ORDER:

This writ petition is filed aggrieved by the action of the respondents 2 to 5 in taking steps to lay railway line at Karedu village through the land of the petitioner without following the due procedure of law as being illegal, arbitrary and violative of property rights guaranteed under Article 300-A of the Constitution.

Petitioner's counsel states that in a family partition, the petitioner got land to an extent of Ac.2-64 cents in Sy.No.443/A situated at Karedu village, Ulavapadu mandal, Prakasam district, and an extent of Ac.1-44 cents was earlier notified for acquisition, but later withdrawn that proposal to acquire. It is further stated that now again the respondents want to lay railway line through the land of the petitioner but the respondents are not following the procedure prescribed under law.

On the other hand, learned standing counsel appearing for the respondent-Railways submits that the petitioner has not produced any document to show that he is the owner of the land and that he has been in possession of the land in question.

Inasmuch as the petitioner is asserting that he is the owner of the land in question, whereas the respondent-railways denying the same, these disputed questions of fact cannot be examined in a proceeding filed under Article 226 of the Constitution. As such the writ petition is disposed of reserving liberty to the petitioner to avail alternative remedy available to him under law.

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

Dated: 05-09-2018
NRG

A.RAJASHEKER REDDY, J



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