

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition no.30744 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“..to issue an appropriate writ or order more particularly one in nature of writ of MANDAMUS declaring the action of the respondents in laying the road in the petitioner's patta land admeasuring Ac.0.50 cents in Survey no.480-2B and Ac.0.50 cents in Survey no.480-4 of Mulakaledu revenue village, Anantapuramu District, without issuing any notice, intimation and without paying compensation under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as illegal, arbitrary and against the principles of natural justice and direct the respondents to pay the compensation in respect of the said land under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri Chilmakuri Hanumantha*, learned counsel appearing for the petitioner, of the learned Government Pleader for Revenue appearing for respondents 2, 4 & 5, of the learned Government Pleader for Panchayat Raj & Rural Development appearing for the respondents 1 & 3; and, of *Sri G.Seshadri*, learned Standing Counsel appearing for respondents 6 & 7. I have perused the material record.

3. The submission and the grievance of the writ petitioner is that the subject land is a patta land and that the respondents are attempting to lay a road through the subject property of the petitioner without issuing a notice and paying compensation after duly acquiring the land following

the procedure envisaged under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Learned counsel for the petitioner submits that unless the procedure contemplated under law is followed, possession of the petitioner over the subject land shall not be disturbed.

5. Learned Standing Counsel appearing for the respondents 6 & 7 submits that it is true that the subject property is a patta land. He would further submit that the respondents will follow the procedure established by law in the event the property of the petitioner is required for the purpose of laying the road.

6. Recording the submissions, the writ petition is allowed.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

05th November, 2018
RAR

M. SEETHARAMA MURTI, J