

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 34841 of 2018

Date : 22.10.2018

Between:

Kalidindi Surya Kanthamma W/o Narayana Raju
age 85 years Occ Cultivation R/o Vempa Village Bhimavaram
Mandal West Godavari District

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary Panchayatraj Department
Secretariat Buildings Velagapudi Amaravathi Guntur District
And others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner claims to be owner of land to an extent of Ac. 2.23 cents in Survey No. 169/2, Srirampuram village, Bhimavaram mandal, West Godavari district. Apprehension of the petitioner necessitating institution of this writ petition is that as a consequence to the resolution passed by the Gram Panchayat on 13.7.2018 proposing to request the Tahsildar and the District Collector to initiate proceedings under the Land Acquisition Act to acquire the land in Survey No. 169/2 to an extent of Ac.2.23 cents for the purpose of laying of road, attempts are made to dislodge the petitioner from the said property and to construct the road.

2. Petitioner earlier filed W P No. 18657 of 2018 alleging that respondents are encroaching into her land on the northern side without following due procedure. This Court by order dated 7.6.2018 granted interim direction as prayed for. This writ petition is filed challenging the resolution passed by the Gram Panchayat.

3. Bare reading of the resolution would show that many other villagers have agreed for laying of the road by surrendering the land, whereas, petitioner was not inclined to surrender her land. Petitioner also relied on the earlier writ petition filed by her. Having regard to these developments, the Gram Panchayat passed resolution No. 16 requesting the Tahsildar to address the District Collector to initiate proceedings under Land Acquisition Act. The content of the resolution is only to request the Tahsildar to send proposals to District Collector to initiate land acquisition proceedings to acquire the land for the public purpose. The process is yet to be set in motion. The Land Acquisition Act envisages detailed procedure and if petitioner has any objection on

acquisition of her land, it is always open to the aggrieved person to raise objections. The Gram Panchayat is competent to pass such resolution and no illegality can be found from the resolution passed requesting the competent authority to initiate proceedings for acquisition of the land for public purpose. As Land Acquisition Act sufficiently safe guards the interest of the owner of the property, merely because resolution is passed by the Gram Panchayat, which is within its competence, petitioner cannot invoke the jurisdiction of this Court to challenge the said resolution.

4. As pointed out by the learned standing counsel representing the Gram Panchayat, in the affidavit deposed by the petitioner in support of W.P.No. 18657 of 2018, petitioner expressed her grievance on acquiring her land without following due process and also asserts that no person can interfere with the private land without following the due process, whereas, present resolution is only to follow the due process. No exception can be drawn from the resolution passed by the Gram Panchayat warranting interference of this Court at this stage. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to raise all her objections including existence of the road as and when proceedings are initiated under Land Acquisition Act. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 22-10-2018
TVK

P NAVEEN RAO,J

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