

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38969 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in trying to lay cement road in the petitioners' private land admeasuring Ac.0.96 cents in Sy.No.595/ 2 and Sy.No.595/ 3 situated at Chinna Chowk Village of Kadapa City, without acquiring the land and without following due process of law, as illegal and discriminatory.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners are joint owners of land admeasuring Ac.0.96 cents in Sy.Nos. 595/ 2 and 595/ 3 of Chinna Chowk Village, Kadapa City, having purchased the same through registered sale deeds. It is stated that the land of the petitioners is situated abutting the internal road of Kadapa Buddaya Palle of Kadapa-Rajampet Road. With an intention to develop the land in future, the petitioners fenced their land with a barbed wire and are in peaceful possession and enjoyment of the same. In the second week of September, the third respondent authorities with the help of villagers removed the fence and on enquiry it was informed that the third respondent is laying a cement road abutting to their land in Sy.No.596. It is said that without issuing any notice, the fence was removed and in a high handed manner laid the road. Immediately thereafter, the petitioners requested

the third respondent to conduct survey of their land and accordingly the survey was conducted by the Town Surveyor on 28.09.2018 and measurement sketch was furnished on 29.09.2018. The sketch which has been made part of the record *prima facie* disclose that the cement road was laid all along the land in Sy.No.595/ 3 intruding to an extent of 1 ½ link. Challenging the action of the authorities in laying the road in the land of the petitioners, the present writ petition came to be filed.

3) By an order dated 29.10.2018, while issuing notice this Court directed the respondents not to lay the road through the patta land of the petitioners. On 31.10.2018, this Court directed the Registry to list the case on 05.11.2018, but for some reasons the case was not listed. Taking advantage of the same the authorities laid the entire road through the land of the petitioners intruding 1 ½ link.

4) Though the learned Standing Counsel for the third respondent, on instructions states that they did not lay the road, but the counsel for the petitioners placed on record the proceedings of the District Collector, dated 12.11.2018, wherein it is clearly mentioned that the District Collector sanctioned laying of C.C.road from old C.C. road to C.Narayana Reddy, Fields Buddaipalli, 5th Division Municipal Corporation, Kadapa, and also from Sauatabavi to Pattabi Reddy fields 4th Division, Municipal Corporation, Kadapa. In view of the above, the learned counsel for the petitioners would submit that the petitioners are entitled

for suitable compensation, for which they intend to make an application before the authorities concerned.

5) Having regard to the facts in issue, the writ petition is disposed of directing the petitioners to make an application seeking compensation, in which event the same shall be dealt with in accordance with law, as early as possible, preferably, within a period of four to eight weeks, from the date of receipt of a copy of the order.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

26.11.2018
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JUSTICE C. PRAVEEN KUMAR