

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2621 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Land Acquisition for respondents 1 and 2, learned Government Pleader for Irrigation for respondent No.3 and Learned Standing Counsel for respondents 4 and 5.

2. The grievance of the petitioner is that the respondents are interfering with his lands in Sy.Nos.913, 914, 928 and 489/B situated at Hanamkonda Revenue Village under the guise of Mission Baghiratha Scheme, without acquisition and without following due process of law.

3. Learned counsel for the petitioner would submit that the action of the respondents in occupying the lands of the petitioner unauthorizedly is violative of Article 300-A of the Constitution of India.

4. Learned Government Pleader would submit that due procedure would be followed by the respondents before undertaking any work with respect to the Mission Baghiratha Scheme or otherwise.

5. The copies of pattadar passbook filed by the petitioner would show that the patta was issued to him on 21.05.1995 and he is the owner of the land in the respective survey numbers. It is well settled

law that no person shall be deprived of his property as the same is protected under Article 300-A of the Constitution of India.

6. In view of the above, the Writ Petition is disposed of, directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject property without following due process of law, and if the said property is required for any public purpose, the respondents shall invoke the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and comply with the mandate of payment of compensation before taking possession. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

12th February, 2019

CHALLA KODANDA RAM, J

sj