

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3617 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, praying to grant the following relief:

“... to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in entering into the land of the petitioners in Sy.No.103, admeasuring Ac.2-22 guntas, Ac.1-30 and Ac.1-26 guntas respectively situated at Latpally village, Bijinpally Mandal, nagarkurnool District to dispossess them under the guise of illegal digging of the canal for the purpose of Kamaluddin Branch Canal under Mahatma Gandhi Kalwakurty Lift Irrigation Scheme, without initiating any land acquisition proceedings and also without following due process of law, though the petitioners are small farmers and further though the other lands of the petitioners in Sy.No.100 was already acquired for the purpose of Ghanapur Branch Canal, as illegal, unlawful, contrary to law and consequently direct the respondents not to dispossess the petitioners from the possession of the above land and not to dig any canal without following due process of law, and pass ...”

2. It is the allegation of the petitioners that the respondents, without following due process of law, are digging canal in the petitioners land.

3. Learned Government Pleader for Land Acquisition, State of Telangana, placed on record the proceedings initiated under the Land Acquisition Act. As per the material placed before this Court, a notification in terms of Section 11(1) of the Land Acquisition Act, 2013 (Act 30 of 2013) (for short, 'the Act') has already been issued in the month of March, 2018, and further the proceedings under Section 19(1) of the Act were also issued in December 2018. In that view of the matter, the proceedings have already been issued with respect to the acquisition of the petitioners property.

4. However, Section 38 of the Act mandates payment of compensation, as determined under Section 31 of the Act, before taking possession of the property, and therefore, the respondent authorities shall strictly comply with the provisions of Section 38 of the Act before taking possession of the petitioners land.

5. The writ petition is disposed of with the above direction. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

22nd January, 2019

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