THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7118 of 2019

ORDER:

The petitioner is aggrieved by the action of the respondent authorities in encroaching into her land admeasuring 435 square yards in Azampura colony, Kamareddy, and constructing a Water Tank under "Mission Bhagiratha Scheme", without initiating acquisition proceedings under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and paying due compensation to her.

2. Learned G.P., basing on the instructions received, submits that the Water Tank is being constructed in the land belonging to the Temple.

3. Though the learned counsel for the petitioner makes reference to the Judgment and Decree in O.S.No.55 of 2018, which is filed against the Municipal Commissioner, Kamareddy and others, in the light of the specific stand taken by the respondents that the construction is being made in the land belonging to the Temple and not in the site of the petitioner, and further as the petitioner has injunction decree in her favour, it would be appropriate for the petitioner to seek enforcement of the decree wherein the Civil Court is competent to take evidence and identify A-Schedule property which was the subject matter of the suit.

4. With the above observation, leaving it open to the petitioner to enforce the injunction decree in O.S.No.55 of 2018, the writ petition is closed, without expressing any opinion with regard to the allegations of the petitioner or the stand taken by the respondents. It is needless to mention, as is permissible, it would also be open for the petitioner to seek appropriate interim relief, pending disposal of the execution petition, which shall be considered in accordance with law. No costs. Miscellaneous petitions, if any pending, shall also stand closed.

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JUSTICE CHALLA KODANDA RAM

24th April, 2019
KSM

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