

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.9401 of 2019

ORDER

Heard learned counsel for the petitioner and learned Government Pleader for Land Acquisition for the respondents.

2. This writ petition is filed seeking to declare the action of respondents 2 to 4 in trying to dispossess the petitioner from the land to an extent of Ac.0-27 gts in Sy.No.331/1/22, situated at Mutrajupally (v), Gajwel Mandal, Siddipet District, without following due process of law, as illegal and arbitrary.

3. The petitioner asserts that she is the absolute owner and possessor of the aforesaid land having acquired by way of D-form patta in the year 2005 and thereafter, pattadar passbook and pahani copy were also issued in her favour. She asserts that final notification dated 14.02.2019 was issued by the 2nd respondent pursuant to preliminary notification dated 09.03.2018 for acquisition of lands for the purpose of construction of double bed room houses. The grievance of the petitioner is that the respondents are trying to dispossess the petitioner from her patta lands without paying compensation either under the Land Acquisition Act, 1894 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

4. Learned Government Pleader, on instructions, would submit that the petitioner is not the owner of the subject property and she has no right over it. He would further submit that as the petitioner has filed D-form pattas, her case would be considered by the respondents and that if the land of the petitioner is required for the purpose of the project, the procedure as prescribed under the Act 30 of 2013 would be followed by the respondents.

5. Recording the submission of the learned Government Pleader, the Writ Petition is disposed of. However, it is made clear that without following due procedure in accordance with law by the respondents, the petitioner shall not be dispossessed from the subject land. No order as to costs.

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

CHALLA KODANDA RAM, J

29th April, 2019

sj