

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.9428 of 2019

ORDER

Heard learned counsel for the petitioners, learned Government Pleader for Irrigation and Commercial Area Development for respondent No.1 and learned Government Pleader for Revenue for respondents 2 to 4.

2. The petitioners assert that they are owners and possessors of different extents of lands in Sy.No.217 situated at Kakarla Village, Julurupad Mandal, Bhadradi, Kothagudem District, and that the 3rd respondent had started excavation of canals under Sitarama Irrigation Project, through their lands without notifying the same and without issuing notice to them. They further assert that they made a representation dated 25.02.2019 to the 2nd respondent, who in turn has forwarded the same to the 3rd respondent. They have also got issued legal notice dated 05.03.2019 to the 3rd and 4th respondents, however, no action has been taken by them. Hence, they filed the writ petition seeking to declare the action of respondents 2 to 4 in proceeding with the excavation of canals through their lands without following the procedure in accordance with law, as illegal and arbitrary.

3. Learned counsel for the petitioners would submit that without initiating any land acquisition proceedings, the respondents are digging canal through the lands of the petitioners and that if the lands of the petitioners are required for the project, the respondents may be directed to follow due process of law by paying compensation.

4. Learned Government Pleader, on instructions, would submit that, as a matter of fact, there was no requisition issued by the irrigation authorities for acquisition of the lands in Sy.No.217 as claimed by the petitioners. He would further submit that if the lands of the petitioners are required for the purpose of irrigation canal, necessary process as contemplated 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), would be followed.

5. Having regard to the submission made by the learned Government Pleader, as on date, there is no procedure for acquisition of lands of the petitioners is initiated. However, if the lands of the petitioners are required for the purpose of the project, the respondents shall follow the procedure prescribed under law.

6. Subject to the above, the Writ Petition is disposed of. However, it is made clear that without following due procedure in accordance with law and without paying compensation by the respondents, the possession and enjoyment of the petitioners over the subject lands shall not be interfered with. No order as to costs.

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

CHALLA KODANDA RAM, J

29th April, 2019

sj