

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.25831 OF 2019

ORDER:

The Writ Petition is filed to declare the action of the 2nd respondent in destroying the paddy crop of the petitioner which is ready to harvest, as highhanded without following the due process of law, arbitrary, illegal and contrary to the Articles 13, 19, 21 and 300A of the Constitution of India.

Heard the Learned Counsel M/s. Rachana S. Waddepalli, for the petitioner, Sri G. Narender Reddy, Learned Standing Counsel for Gram Panchayat, the learned Government Pleader for Home and the Leaned Government Pleader for R&B.

The case of the petitioner is that the petitioner is owner and possessor of land admeasuring Ac.2.24 gts in Sy. No.441 of Puduru village, Gadwal District. The petitioner being in possession of the said land had cultivated the same, sowed paddy crop and the said crop is ready for harvesting. It is claimed that the 2nd respondent high handedly entered into the petitioner's land in Sy. No.441 and engaged a bulldozer to lay the road over the standing paddy crop.

The petitioner avers that the 3rd respondent has proposed the formation of unapproved road from 0 Kms to 11/2 km from Itikyala via Janagampally, Puduru towards Ananthapuram village through the petitioner's land, as there is no land in Puduru village

for laying road, the authorities were unable to show the boundaries for the thorough fare and have thus, encroached on the petitioner's land.

Learned Standing Counsel for Gram Panchayat while opposing the said submission of the petitioner with regard to the claim of non-existence of road, has placed before this Court village map showing the existence of old Panchayat Raj road abutting to Sy. No.58 on one side and the survey number of the petitioner's land viz., Sy. No.441 on the other side. He submits that the existing road stood vested with the 3rd respondent authority, vide G.O.Ms. No.1 Transport, Roads & Buildings (R.V) Department dated 07.01.2014 and it is upon such vesting, the 3rd respondent has taken up the work of developing the said road. He would also submit that the petitioner while cultivating her land admeasuring Ac.2.24 gts in Sy. No.441 had actually exceeded the extent and plowed the land which was earmarked as road. Learned Counsel for the 3rd respondent submits that the 3rd respondent authorities are only laying the road as per R&B norms for public use connecting Itikyala to Puduru village, and for the purpose work is being carried on the existing road.

As seen from the village map placed before this Court by the 4th respondent, it is evident that there existed a road in between the Sy. No.58 and 441. Further the said panchayat road vested with the 3rd respondent authority by virtue of G.O.Ms. No.1 and the 3rd respondent authority have taken up the work of laying of

roads with the approval of the authorities. Thus, the claim of the petitioner that no road existed earlier and the authorities have encroached on to the petitioner lands in Sy. No.441 for the purpose of laying of road without any notice is contrary to the material on record.

Notwithstanding the fact that the petitioner has encroached on to the public road which is abutting the petitioner's land in Sy. No.441 and undertook cultivation therein as claimed by the respondent, having regard to the fact that the paddy crop that has been cultivated by the petitioner is ready for harvest, this Court is of the view that the respondents are to be directed not to disturb the standing paddy crop cultivated on the land where the proposed road is to be laid abutting the land in Sy. No.441 and allow the petitioner to harvest the paddy crop and to remove the produce, for a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that such permission granted by this Court to the petitioner allowing the petitioner to harvest the crop shall not be construed as conferring any title or interest therein. If the petitioner is aggrieved by the action of the respondent authorities in laying road claiming to be its land, it is open for the petitioner to approach the concerned authorities for conducting survey and demarcation by fixing the boundaries of the petitioner's land.

With the above observation and direction, the Writ Petition is disposed of. No order as to costs.

As a sequel thereto, the miscellaneous petitions, if any,
pending shall stand closed.

T. VINOD KUMAR,J

Date: 26.11.2019

Note: Issue copy in two days.

B/o
MRKR

