

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.6956 AND 6967 OF 2020

COMMON ORDER:

These Writ Petitions are filed under Article 226 of the Constitution of India for issue of a writ of mandamus declaring the action of the respondent authorities in proposing for laying a road in the petitioners agricultural land in Sy. No.733/A, 733/3, 727 and 728 of Gannaram village, Indalwai Mandal, Nizamabad district, without initiating any land acquisition proceedings, without paying any compensation and without conducting due process of law, as being illegal, arbitrary and violative of Article 14, 21 and Article 300-A of the Constitution of India.

2. The above writ petitions are filed through e-filing and are taken up for hearing today through video conferencing.

3. As the relief sought for in both the writ petitions being common and against same authorities, they are taken up together for hearing and disposal.

4. Heard learned Counsel for the petitioners, learned Government Pleader for Panchayat Raj and Sri Narender Reddy, learned Standing Counsel for Gram Panchayat.

5. Learned Counsel for the petitioners submit that the petitioner in W.P. No.6956 of 2020, is the owner and possessor of the land to an extent of Ac.3.15 gts in Sy. No.733/A and 733/3, while the petitioner in W.P. No.6967 of 2020, is the owner and possessor of land admeasuring Ac.3.13 gts in Sy. No.727 and Ac.4.35 gts in Sy. No.728, totaling to Ac. 9.08 gts., of Gannaram

village of Indalwai Mandal, Nizamabad and the respondents are seeking to lay a road on the back side of the petitioner's land without following due process of law by acquiring the land, by paying compensation thereto and without following the due process of law.

6. Learned Government Pleader for Panchayat Raj and the learned Standing Counsel for Gram Panchayat, on instructions, submit that there is an existing cart way behind the land of the petitioners and the respondent authorities are not taking any steps to lay any road in the petitioners land as being contended nor there is any proposal or sanction for laying of any road at present.

7. In view of the above specific assertion made on behalf of the respondent authorities, that no road is being laid from the lands of the petitioners, much less in absence of any proposal or sanction in this regard having been issued by any of the authorities concerned, it is open for the petitioners to take appropriate action, in the event if any third parties interfere with the possession of the petitioners over their lands under the pretext of road being laid on the directions of any authorities.

8. Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

9. The miscellaneous petitions, pending if any, shall stand closed.

JUSTICE T.VINOD KUMAR

Date: 21.05.2020

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