

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.NO.10137 OF 2019

O R D E R (Per the Hon'ble Sri Justice P.Naveen Rao)

This writ petition is filed for the following relief:

"For a writ or direction preferably writ of mandamus, declaring the action of the respondent Nos.2 to 4 in trying to dispossess the petitioners from their agriculture lands totaling an extent of Acs.70-00 gts., in Sy.No.326, sub division Nos.326/4 to 326/12, 326/15 to 326/50 situated at Lingarajpet (V) H/o Mutrajupally (V) Gajwel (M), Siddipet District, under the guise of rehabilitation and construction of houses for the pattadars of lands who lost their land in Mallanna Sagar Project, without issuing any notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013 (Act 30/2013) or notice or opportunity of being heard and without following due process of law under Land Acquisition Act, (Act 30/2013) and also ignoring the order passed by this Hon'ble Court in W.P.No.1527/2018 dated 31.1.2018 and pressurizing petitioners to accept to receive Rs.11,50,000/- per acre towards compensation, as illegal, arbitrary, high handed, unjust, against the spirit and object of Land Acquisition provisions of Act 30 of 2013, and violative of principles of natural justice and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents to desist permanently from adopting any unlawful and illegal acts and dispossession of petitioners from their lands and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

Learned Special Government Pleader representing the learned Advocate General submits that as is evident from the letter of Tahsildar dated 06.03.2014, addressed to the Sub-Registrar of Assurances, Gajwel, an extent of Acs.89.28 gts. in Sy.No.326 is recorded as Government land, and lands in Sy.No.326/4 to 326/12 and 326/15 to 326/50, are classified as patta lands. Further, the total extent of land in Sy.No.326 situated at Mutrajupally village is Acs.201.25 gts., and in that land, an extent of Acs.73.03 gts. in Sy.No.326/1, Acs.3.06 in Sy.No.326/2, Acs.8.22 in Sy.No.326/3, Acs.3.12 gts. in Sy.No.326/13 and Ac.1.25 gts in Sy.No.326/14, in total an extent of Acs.89.28 gts., is Government land, and the remaining extent of Acs.112.07 gts. in Sy.Nos.326/4 to 326/12 and 326/15 to 326/50, is classified as patta lands.

According to the petitioners, they own the subject land having purchased the same from the original pattadars and without following due process of law, treating the subject land as Government land, the respondents are trying to dispossess them.

Learned Special Government Pleader, on instructions, fairly submits that the issue whether the land occupied is Government land or private land, may be verified and on such verification, by following due process of law, the persons in occupation of Government land, shall be dispossessed, or if it is private land, due process of law may be followed before dispossessing the persons, if the land is required for public purpose. He also submits that the issue of sub-divisions and treating some extent of land in Sy.No.326, as private land, is said to have attained finality and the matter is pending consideration before the District Collector, Siddipet.

In view of the above submissions, writ petition is disposed of. The respondents shall take action as stated by the learned Special Government Pleader. It is made clear that no person, who is in possession of the land, shall be dispossessed without following due process of law.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

P.NAVEEN RAO,J

DATE:22—01—2020

AVS