

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24318 OF 2019

ORDER:

Heard Sri M.Durga Prasad, learned counsel for the petitioners and the learned Government Pleader (Irrigation) for respondents.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of the Respondents in dispossessing the petitioners from the lands in Sy.Nos.232/A to an extent of Ac.0.20 gts, Sy.No.232/AA/2 to an extent of Ac.0.36 gts total extent of Ac.1.16 gts belongs to 1st petitioner in Sy.No 232/A to an extent of Ac.1. 20 gts belongs to 2nd Petitioner in Sy.No.232/AA/1 to an extent of Ac.1.01 gts and in Sy.No.232/AA/2 to an extent of Ac.0.07 gts total extent of Ac.1.08 gts belongs to 3rd Petitioner and in Sy.No.232/AA/1 to an extent of Ac.1.06 gts belongs to 4th petitioner situated at Kacharam Village, Yadagirigutta Mandal, Yadadri Bhuvanagiri District,(Nalgonda District) without issuing any notice and without following due process of law under the provisions of the Rights to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 and the rules made thereunder, as illegal arbitrary consequently direct the Respondent Nos. 2 to 5 not to interfere with the possession of the petitioners aforesaid lands situated in Kacharam Village, Yadagirigutta mandal, Yadadri Bhuvanagiri District and pass”

It has been contended by the petitioners that they are the owners of the lands in Sy.Nos.232/A to an extent of Ac.0.20 gts, Sy.No.232/AA/2 to an extent of Ac.0.36 gts, total extent of Ac.1.16 gts, Sy.No 232/A to an extent of Ac.1. 20 gts, Sy.No.232/AA/1 to an extent of Ac.1.01 gts, Sy.No.232/AA/2 to

an extent of Ac.0.07 gts, total extent of Ac.1.08 gts, Sy.No.232/AA/1 to an extent of Ac.1.06 gts situated at Kacharam Village, Yadagirigutta Mandal, Yadadri Bhuvanagiri District respectively. The grievance of the petitioners is that the respondents are trying to interfere with their peaceful possession, without assigning any reasons.

Learned counsel for the petitioners contends that admittedly there is no title dispute between the petitioners and the respondents and the dispute is only regarding boundaries. He further contends that let a joint survey be conducted in the presence of the petitioners and fix the boundaries and then the respondents can proceed to construct a bund in accordance with the survey. He further seeks a direction to the respondents not to dispossess the petitioners without following due process of law.

Learned Government Pleader had contended that the petitioners have damaged the bund illegally and respondents lodged a police complaint on 15.10.2018. He further contends that respondents have already conducted panchnama and fixed the boundaries. However, one more opportunity will be given to the petitioners by way of conducting a joint survey after giving notice to the petitioners. If the petitioners are found that they have damaged the bund, the respondents would initiate appropriate action against the petitioners for restoration of bund from out of the costs of the petitioners.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing

the respondents to conduct a joint survey in the presence of the petitioners after giving prior intimation to the petitioners and later fix the boundaries. Till such time, the respondents shall not interfere with the peaceful possession of the petitioners. Further, the respondents are at liberty to initiate action against the petitioners in accordance with law, in case they found that the bund allegedly damaged by the petitioners is in the Government land.

The whole exercise as indicated above shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-02-2020
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