

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO.3629 of 2018

ORDER:

This writ petition is filed to declare the action of the respondents 1 to 4 in encroaching the petitioners' land in Sy.No.56 and 105/2 of Pernimitta Village, Ongole and laying road by widening/expansion of Ongole to Nandyala State Highway for four lanes, without following due process of law, as illegal, arbitrary.

2. Heard learned counsel for the petitioners and learned Government Pleader for Roads and Buildings appearing for the respondents.

3. As per the averments of the writ petition, the petitioner and his brother/2nd petitioner, are having the land in an extent of, Ac.1-01 cents in Sy.No.56 of Pernamitta Village purchased the same through a registered sale deed bearing No.488/1986 dated 01-08-1986, Ac.0-58 cents in Sy.No.56 of Pernamitta Village, purchased the same through a registered sale deed bearing document No.49/1988, and Ac.1-16 cents in Sy.No.56 of Pernamitta Village, purchased the same through registered sale deed bearing document No.50/1988 dated 21.01.1988, and the petitioners are the absolute owners and possessors of the said land. While that being so, the Ongole to

Nandyala State Highway runs from East to West and their lands are abutting the said road to its northern side and now their lands come under the Municipal Corporation of Ongole, having residential colonies in and around the said lands.

4. Now under the guise of expansion/widening of the road, the respondents are trying to interfering and taking the land of the possession of the petitioners without following due process of law. Hence, the present writ petition is filed.

5. Learned Government Pleader appearing on behalf of the respondents has submitted that as per the averments of the counter, it clearly shows that the respondents are not interfering with the possession of the petitioners' land and in fact, they have widening the road without touching the lands of the petitioners, and if at all any private lands are required, they will follow the due process of law by initiating Land Acquisition Act. Whereas in the instant case, there is no material to show that the petitioners' lands were encroached by the respondents and no reply was filed.

6. Considering the submission made by the learned Government Pleader and taking into consideration of the statements made in the counter affidavit filed by the

Executive Engineer, (Roads and Buildings) Division, Ongole, the writ petition is disposed of, directing the respondents not to interfere with the peaceful possession of the petitioners over the subject land, without following due process of law. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

JUSTICE D. RAMESH

Date: 26-02-2021

Pnr

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