THE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.1539 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"to issue writ of Mandamus to declare the action of the respondents in trying to demolish the house building of the petitioner situated at D.No.1-87, Assessment No.3967, L.R. Palli, Atmakur, Atmakur Mandal, S.P.S.R. Nellore District is arbitrary, illegal, without jurisdiction, in violation of principles of natural justice and also in violation of the procedure contemplated under the Land Acquisition Act and consequently direct the respondents not to demolish the above said house building of the petitioner situated at D.No.1-87, Assessment No.3967, L.R. Palli, Atmakur, Atmakur Mandal, S.P.S.R. Nellore District."*

Heard Sri Ch.C. Krishna Reddy, learned counsel for the petitioner and learned Government Pleaders for Roads and Buildings and Revenue for respondents, apart from perusing the material available before this Court.

According to the petitioner, she is the owner of house building situated at D.No.1-87, Assessment No.3967, L.R. Palli, Atmakur, Atmakur Mandal, S.P.S.R. Nellore District. It is also pleaded that the said house has electricity service connection and the petitioner herein also paying municipal tax to the Municipality.

The sum and substance of the grievance of the petitioner herein according to the pleadings is that the respondent authorities are resorting to demolish the above house without recourse to law, without issuing any notice and without adhering to the provisions of the Land Acquisition Act.

In the counter-affidavit filed in support of the vacate application the Executive Engineer (R&B) Division, Nellore has deposed that the property of the petitioner will be acquired only after duly following the prescribed procedure under Land

Acquisition Act. While referring to the same, it is represented by the learned counsel for the petitioner that in the event of respondent authorities proceeding, in accordance with law, the petitioner herein cannot have any objection.

In view of the above submission, the writ petition is disposed of, directing the respondents herein not to demolish the house of the petitioner herein and not to take possession of the property of the petitioner, except in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESHA SAI, J

October 01, 2015

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