

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.26660 OF 2008

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ORDER:

Heard and perused the record.

2. This Writ Petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the respondent authorities in proposing to demolish the structures situated in premises bearing H.No.6/423, situated at Matti Peddapudi street, Trunk Road, Kadapa Town and District over and above the extent mentioned in the Notification, dated 20.01.2008, as well as Notice of Award, dated 29.03.2008, as arbitrary and illegal and consequently, direct the respondents not to demolish the structures over and above the extent mentioned in the aforesaid Notification as well as in the notice of aforesaid Award.

3. In the affidavit filed in support of the petition, it is stated that the petitioner is the lawful owner of the premises bearing H.No.6/423, situated at Matti Peddapudi street, Trunk Road, Kadapa Town and District. It is said that the 2nd respondent herein issued Notification bearing Ref.No.G1/3343/2007, dated 20.01.2008, proposing to acquire the premises in question for the purpose of widening of Kadapa Trunk Road from I Town to K.C.Canal. After conducting enquiry, an Award notice under Section 12 (2) of the Act 1 of 1984 was issued by the 2nd respondent. As per the said notice, the respondents have specified to acquire only an extent of 56 sq. feet of land in the said premises and proposed to pay compensation of Rs.95,108/- for the said extent. It is said that the 2nd respondent instructed the 3rd respondent to proceed with demolition of structures specified in the notification. Though the notification and the Award notice specify that demolition would only be to the extent of 56 Sq.Ft., the respondent authorities are making efforts to demolish the entire building. Questioning the action of the 2nd respondent, the present Writ Petition is filed.

4. On 05.12.2008 this Court while issuing *Rule nisi* passed the following order:

“Petitioner’s land under acquisition is admittedly only for an extent of only 56 sq.feet. Petitioner would assert that the respondents, instead of demolishing 56 sq.feet, have marked 470 sq.feet for demolition. The matter was passed over to enable the Government Pleader to obtain instructions. Learned Government Pleader for Land Acquisition, on instructions, would state that the respondents intend to demolish only 56 sq.feet of the building strictly in accordance with the award. Smt. G.Kavita, Learned Counsel for the petitioner, would state that she had received telephonic instructions to the effect that the petitioner has himself demolished 56 sq.feet and handed over vacant possession of the said extent to the respondents.

Pending further orders, there shall be an interim direction to the respondents not to demolish any extent of the petitioner’s building beyond 56 sq.feet. In case, on verification, it is found that 56 sq.feet has not been demolished by the petitioner, as is now contended on his behalf, the respondents may require the petitioner to demolish the remaining extent upto 56 sq.feet in their presence.”

5. No counter is filed by the respondents till date. Learned counsel for the respondents submitted that as per the Notification and the Award notice, only an extent of 56.Sq.Ft. was acquired and beyond that the authorities cannot occupy the premises. Learned counsel for the petitioner also states that he has no further instructions from his client about the present situation.

6. Having regard to the circumstances stated above, making the interim order as final order, the Writ Petition is disposed of restraining the respondents from demolishing the structures beyond the extent of 56 sq.feet in H.No.6/423, situated at Matti Peddapuli Street, Trunk Road, Kadapa Town and Mandal. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:15.12.2015

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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