

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

WRIT PETITION No.8626 of 2009

ORDER:

This writ petition is filed under Article 226 of the Constitution of India assailing the inaction on the part of the respondents in paying compensation for the property acquired.

Heard Sri M. Roopender, learned counsel for the petitioner and learned Government Pleader for Revenue for respondents apart from perusing the material available before this Court.

According to the petitioner, she owned a building bearing door No.1-1-31/3 admeasuring 58.2 Sq. yards situated at Ward No.3, Steamer Road, Narsapur, West Godavari District having purchased the same from one Osuri Kanaka Tulasi vide registered document No.2696/1992 for valuable consideration. It is also pleaded that after obtaining permission from the third respondent Municipality vide B.A.No.115/92 the petitioner constructed ground and first floors. It is the grievance of the petitioner herein that the respondent municipal authorities removed the building constructed by the petitioner and utilized the said property for road widening.

This Court issued *rule nisi* on 24-04-2009. No counter-affidavits have been filed by the respondents, denying the averments made in the affidavit filed in support of the writ petition.

Right to property is a constitutional right as enshrined under Article 300-A of Constitution of India, which in clear and unequivocal terms mandates that no citizen of this country shall be deprived of nor divested of his or her property except in accordance with the procedure established by law.

Section 42 of the A.P. Municipalities Act, 1965 authorizes and empowers

Municipalities to acquire immovable properties under the provisions of the Land Acquisition Act now replaced by Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013

In the instant case even though the respondent Municipality took the possession of the property of the petitioner a decade back no amount of compensation has been paid. This action on the part of the respondent Municipality is highly arbitrary, illegal and preposterous.

For the aforesaid reasons, the writ petition is allowed, directing the respondents herein to initiate action under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013 and pay compensation to the petitioner herein for the subject property. This exercise including payment of compensation shall be completed within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

April 10, 2015

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