

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

WRIT PETITION NO.23360 OF 2015

ORDER:

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

“to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in trying to demolish a part of premises belonging to the petitioner viz., D.Nos.2-295 and 296/A, situated on the D.G.Peta Road, C.S.Puram Village & Mandal, Prakasam District without issuing any notice or initiating acquisition or requisition proceedings as being illegal, arbitrary, unjust, improper and is in negation of the established Judicial Precedents besides in violation of Articles 21 and 300-A of the Constitution of India apart from in violation of principles of natural justice and fair play and consequently direct the respondents not to demolish the premises belonging to the petitioner viz. D.No.2-296/A, situated on the D.G.Peta Road, C.S.Puram Village & Mandal, Prakasam District, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri V.Nitesh, learned counsel for the petitioner, learned Government Pleader for Roads and Buildings for respondents 1 to 3 and Sri G.Seshadri, learned counsel for respondent No.4.

3. The complaint in the present writ petition is that the respondents are trying to demolish the house property bearing D.Nos.2-295 and 296/A, situated on the D.G.Peta Road, C.S.Puram Village & Mandal, Prakasam District, without issuing any notice and without initiating any proceedings for acquisition under the Land Acquisition Act, 1894.

4. According to the petitioner, he is the absolute owner and

possessor of the house bearing door Nos. 2-295 and 296/A, situated on the D.G.Peta Raod, C.S.Puram Village & Mandal, Prakasam District. It is further stated that the petitioner herein purchased the vacant land by way of registered sale deed bearing document No.1267/2009, dated 06.02.2009 and thereafter, constructed the house in the said land. It is also stated that the said property is being used by the petitioner herein for residential purpose and has given a portion of the same to the third parties on lease basis. It is further stated that the said property was also assessed for taxes and was also given basic amenities. It is according to the affidavit filed in support of the writ petition that the petitioner was shocked and surprised that on 15.07.2015, some persons claiming to be the subordinates of the respondents herein have orally informed the petitioner herein that the subject property belongs to the Government and asked the petitioner herein to handover the vacant possession of the property by 20.07.2015 to the extent of the marked portion. It is the grievance of the petitioner herein precisely that the respondent authorities are resorting to such highhanded action without being proceeded by any notice and without giving any opportunity and without initiating any proceedings for acquisition.

5. It is submitted by the learned Government Pleader that the action, if any, will be taken only in accordance with law.

6. Article 300 A of the Constitution of India mandates that no citizen of this country shall be deprived of his/her property except in accordance with the procedure established by law.

7. In view of the above, Writ Petition is disposed of, directing the respondents herein not to demolish the premises belonging to the petitioner viz. D.Nos.2-295 and 296/A, subject house properties, without recourse to the law. It is made clear that the respondents

herein are entitled to proceed, in accordance with law, if subject properties are required for any public purpose.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V. SESA SAI, J.

28th July, 2015

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Note: Issue C.C.forthwith
B/o.SS