

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

W.P.No.5892 of 2014

ORDER:

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

“To issue a Writ of Mandamus declaring that the action of the respondents in interfering with possession and enjoyment of petitioners properties bearing No.16-170 Antyakula Street, land admeasuring 124 sq.yds at Balijipeta road to Bobbili belonging to 1st petitioner, property bearing Door No. 9-5, on the land admeasuring 137.22 Sq.yds. at Balijipeta Road, Bobbili belonging to 2nd petitioner, property bearing Door No. 16-171, on the land admeasuring 341.88 Sq.yds. at Balijipeta Road, Bobbili belonging to 3rd petitioner, property bearing No. 14-13/A on the land admeasuring 38.99 Sq.yds at Balijipeta Road, Bobbili belonging to 4th petitioner, property bearing Door No. 26-100, on the land admeasuring 48 sq.yds at Balijipeta Road, Bobbili belonging to 5th petitioner, property bearing Door No.14-161, on the land admeasuring 79.93 Sq.yds at Balijipeta Road, Bobbili belonging to 6th petitioner, property bearing Door No.7-120/A, on the land admeasuring 162.33 Sq.yds. at Balijipeta Road, Bobbili belonging to 7th petitioner; property bearing assessment No.1090001362, on the land admeasuring 273 sq.yds. at Balijipeta Road, Bobbili belonging to 8th petitioner; property bearing Door No.7-120/A, on the land admeasuring 160.58 Sq.yds at Balijipeta Road, Bobbili belonging to 9th petitioner; property bearing Door No.9-2/3, within specified boundaries and situated at Balijipeta Road, Bobbili belonging to 10th petitioner; property bearing Door No.9-11/4, within specified boundaries and situated at Balijipeta Road, Bobbili belonging to 11th petitioner; property bearing Door No.10-90, on the land admeasuring 192 Sq.yds. at Balijipeta Road, Bobbili belonging to 12th petitioner; property bearing Door No.10-86, on the land admeasuring 551.5 Sq.yds at Balijipeta road, Bobbili belonging to 13th petitioner; property bearing Door No.16-169 at Balijipeta Road, Bobbili belonging to 14th petitioner; property bearing Door No.14-157 and 14-158 at Balijipeta Road, Bobbili belonging to 15th petitioner and property bearing Door No.10-84/1, on the land admeasuring 452.09 sq.yds. at Balijipeta Road, Bobbili belonging to 16th petitioner and trying to demolish the said properties without issuing any notice or without initiating acquisition proceedings

under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as arbitrary, illegal, untenable, unsustainable and in violation of Article 300A of the Constitution of India property and consequentially direct not to interfere with the petitioners' properties without following due process of Law.”

2. Heard Sri K.B.Ramanna Dora, learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings for the respondents apart from perusing the material available before the Court.

3. Petitioners herein claim to be the absolute owners and possessors of various extents of lands with structures therein situated at Balijipeta Road, Bobbili, Vijayanagaram District. According to the petitioners, they acquired the said properties by way of registered sale deeds. In the present writ petition, it is the grievance of the petitioners herein that the first respondent herein without any notice and without issuing any publication or notification for acquisition of the properties and in the guise of widening of Bobbili- Balijipeta Road, earmarked their properties and are attempting to demolish their buildings without payment of any compensation.

4. The Executive Engineer (R&B), Paravathipuram, Vizianagaram District has filed a counter affidavit wherein it is stated that if the petitioners private lands and structures are required for widening of the road, the same will be taken over for widening of the road by following the due process of law. It is further stated that the R&B department has not taken up any steps for demolition of the petitioners structures as on today for laying the road.

5. Right to property is a constitutional right as enshrined under Article 300-A of the Constitution of India, which in clear and unequivocal terms mandates that no citizen of this country shall be deprived of his or her property except in accordance with the procedure established by law. In the instant case, it is the specific grievance of the petitioners herein that without initiating the proceedings for acquisition and without issuing any notice, the respondents herein are attempting to demolish the buildings of

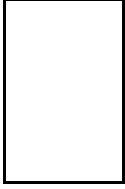
the petitioners herein.

6. Taking into consideration the totality of the circumstances and after giving thoughtful consideration to the issue in the present writ petition, the writ petition is disposed of, directing the respondents not to demolish the structures of the petitioners herein except in accordance with law. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

A.V.SESHA SAI, J

Date: 12.08.2015

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

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W.P.No.5892 of 2014

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Dated 12th August, 2015

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

W.P.No.5892 of 2014

Date: 12th August, 2015

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Between:

Tanna Ramakrishna s/o late Satyanaidu,
Aged about 56 years, Occ: Advocate,
R/o D.No.16-170, Antayakula Street,
Government Hospital Road, Bobbili,
Vizianagaram District and others.

... Petitioners

and

Government of Andhra Pradesh
Represented by its Principal Secretary,
Roads and Buildings Department,
Secretariat, Hyderabad and four others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 12th August, 2015

SUBMITTED FOR APPROVAL: 12th August, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? Yes/No
3. Whether Their Lordship wish to see the
Fair copy of the judgment? Yes/No

