

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

WRIT PETITION No.13192 OF 2012

ORDER:

The alleged interference of the respondents with the site of the petitioner, admeasuring 24 square yards in survey No.95/2 of Epuru Village, Peddapadu Mandal, West Godavari District, under the guise of laying a road without following due process of law is the grievance of the petitioner in the present writ petition.

2. Heard the learned counsel for the petitioner and learned Government Pleader for the respondents 2 and 3 and Sri Ravi Cheemalapati, learned standing counsel for the 1st respondent.

3. Petitioner herein claims to be the absolute owner and possessor of the site, admeasuring 24 square yards in survey No.95/2 of Epuru Village, Peddapadu Mandal, West Godavari District, having purchased the same for valuable consideration by way of registered sale deed bearing document No.1614/2009, dated 17.07.2009. It is alleged in the writ affidavit that all of a sudden, the respondents 1 and 2 along with their staff visited the said site on 24.04.2012 and started measuring the site and on being questioned, the respondents 1 and 2, informed the petitioner about the

proposal to lay a road through the subject land. In the above background, the present writ petition came to be filed.

4. This Court, on 27.04.2012, while ordering notices, granted interim direction directing the respondents not to interfere with the possession and enjoyment of the petitioner's site in respect of land admeasuring 24 square yards in survey No.95/2 of Epuru Village, Peddapadu Mandal, West Godavari District. This Court also further made it clear that in case the respondents want to lay road in the subject property, the same shall not be taken up without following due process of law.

5. No counter, opposing the present writ petition is filed. It is also pertinent to note, at this juncture, that 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.

6. When the matter is taken up, it is submitted by the learned counsel for the petitioner that the writ petition can be disposed of in the light of the interim order already granted by this Court as long back as on 24.07.2012 and there is no objection expressed by the other side for the said course of action.

7. In view of the above, writ petition is disposed of, directing the respondents not to interfere with the possession

and enjoyment of the petitioner's land, admeasuring 24 square yards in survey No.95/2 of Epuru Village, Peddapadu Mandal, West Godavari District. However, it is made clear that if the said property is required for laying a road, it is open for the respondents herein to proceed in accordance with law before resorting to such action.

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

22.11.2016
SS



A.V.SESHA SAI, J