

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 37503 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the residential houses of the petitioners situated at Revallapalem Village, Madhurawada, Visakhapatnam and trying to take forcible possession of their residential houses without taking recourse under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act"), without following due process of law.

It is the case of the petitioners that they are the absolute owners and possessors of the above said residential houses as the same were inherited from their ancestors. While things stood thus, all of a sudden the respondent-authorities are openly proclaiming that they are going to widen the existing 30' road to 80' road within a short period even without issuing any notice as per the provisions of the Act.

Learned counsel for the petitioners submits that the respondent-authorities are making hectic efforts to lay the road in the property of the petitioners even without following the due process of law.

Learned Government Pleader for Municipal Administration and Urban Development submits that the allegations made by the petitioners are false. If really the land of the petitioners is required, the respondents-authorities would follow the due

process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of her property, their possession shall not be interfered with by the respondents-authorities without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

JUSTICE CHALLA KODANDA RAM

November 1, 2016

Note:-

Furnish copy in two days.

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Gk.

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Date:01.11.2016

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