

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.14872 OF 2016

ORDER

Heard Sri Peri Prabhakar, learned counsel for the petitioners and Sri Mohd. Saleem, learned standing counsel for Madakasira Municipality.

The prayer of the petitioners in this case is as under:

‘For the reasons stated in the accompanying affidavit, the petitioners herein prays that this Honourable Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing to demolish the structures of the petitioners and utilize the same for road widening without issuing any notice to the petitioners or acquiring the same under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 as arbitrary, illegal, unsustainable and in violation of Article 300 A of Constitution of India and 174 of the A.P. Municipalities Act of 1965 and consequently direct respondents not to demolish structures of petitioners.

1. Door No.4/375 belonging to 1st petitioner
 2. Door No. 5/12-/1-1 belonging to 2nd petitioner
 3. Door No. 5-120- 1 to 15 belonging to 3rd petitioner
- Door No. 4/45/1 belonging to 4th petitioner

without acquiring the same under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.’

Sufficient documents having been placed on record in evidence of the title and possession of the petitioners over the subject properties, it is not open to the municipal authorities to interfere with such properties even if they are required for a public purpose without following lawful procedure.

The writ petition is accordingly disposed of directing the municipal authorities not to interfere with the subject properties in the context of

road widening except in accordance with the due procedure laid down by law. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

27th APRIL, 2016

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