

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12787 OF 2016

ORDER:

The writ petition is filed challenging the action of the respondents in insisting the petitioner to vacate from the house bearing Plot No.4, admeasuring 131.66 sq. yards in Sy.No.552/4 situated in Prasanthi Nagar Colony, Singupuram Gram Panchayat, Srikakulam Rural Mandal, Srikakulam District, for the purpose of construction of drainage.

The case of the petitioner is that he is the absolute owner and possessor of the above said land as the same was acquired by him through a registered sale deed dated 17.07.2010 for a valuable consideration and since then the petitioner has been in possession and enjoyment of the same. While things stood thus, all of a sudden, the respondents 2 to 5 decided to construct a drainage in the colony of the petitioner and entrusted the said work to the private contractor and the said contractor started the construction of drainage in the house site property of the petitioner even without giving any prior notice. It is further stated that the respondents authorities did not initiate any proceedings for acquisition of the land in question as per the Land Acquisition, Rehabilitation and Resettlement Act, 2013. Hence, the present writ petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to dispossess the petitioner from the house property in question even without following the due procedure of law for acquiring the land for any public purpose.

Learned Government Pleader for Panchyat Raj submits that the allegations made by the petitioner are false. If really the petitioner is to be evicted, 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 petitioner is in possession and enjoyment of his house property, his possession shall not be interfered with by the respondents-authorities without following 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 petitioner except following due process of law. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

CHALLA KODANDA RAM,J

Date:19.04.2016.

Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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