

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.35744 of 2016

ORDER:

The writ petition is filed questioning the action of the officials of the 2nd respondent-Corporation in threatening to demolish the structures of the petitioner's premises bearing D.No.16/717, Shankara Agraharam, Surbahiramaiah Veedhi, Nellore District.

Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and the learned standing counsel for the 2nd respondent-Corporation.

It is the case of the petitioner that she is the absolute owner and possessor of the premises bearing D.No.16/717, Shankara Agraharam, Surbahiramaiah Veedhi, Nellore District having purchased the same through a registered sale deed dated 19.06.1982 and residing therein for the past 37 years without any interruption or interference from any body. While things stood thus, the Town Planning officials of the 2nd respondent-Corporation visited the area of the petitioner on 07.10.2016 and confirmed that all the houses existing in the locality have encroached 13 feet road abutting the Mallappa canal and made markings on all the houses existing in the locality to an extent of 35 feet for demolition. It is stated that the officials of the 2nd respondent corporation are threatening to demolish the structures of the premises of the petitioner to an extent of 54 feet which is excess than the markings made only to facilitate some persons who are having influence to protect and safeguard their

properties in the said demolition, without issuing any prior notice. 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 premises in question even without following the due process of law.

Learned Government Pleader for Municipal Administration & Urban Development submit 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 her premises, her 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.

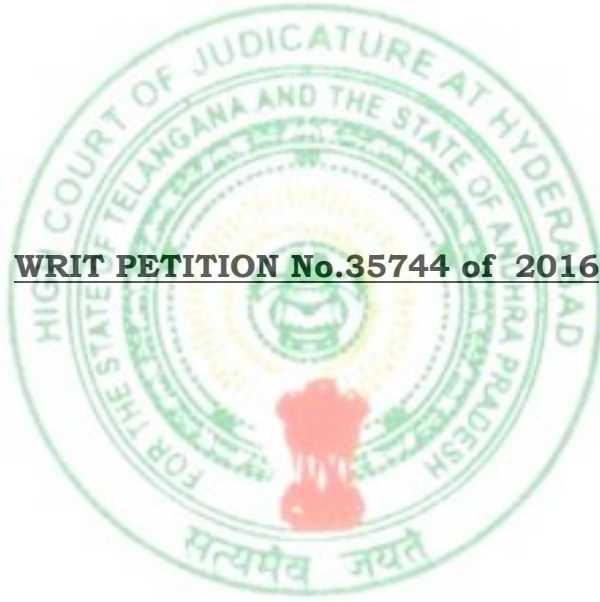
Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner except following the due process of law. No order as to costs.

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

CHALLA KODANDA RAM,J

21.10.2016.
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