

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.22322 OF 2016

ORDER:

Heard the learned counsel appearing for both parties and with their consent, the present Writ Petition is disposed of at the admission stage.

2 . The present writ petition came to be filed with the following prayer:

“t o issue an order, writ or direction more particularly in the nature of writ of Mandamus under Article 226 of the Constitution of India declaring the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the petitioner's site with an extent of 33 1/3 akanams bearing Plot No.R/14 comprising in Sy.Nos.2168 to 2170, 2184 to 2189, 2190 and 2197/3 situated at NGOs Colony, Kothur Village, Nellore Bit-I, Nellore Municipal Corporation limits, SPSR Nellore District without initiating any proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as illegal, arbitrary, unjust and violative of Sections 145 to 147 of Hyderabad Municipal Corporation Act and also offends Articles 14, 21 and 300A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession of petitioner's site without following due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents not to interfere with the petitioner's property without following due process of law.

4. While denying the averments made in the writ petition, learned Government Pleader submits that the respondents will not

interfere with the property in dispute except in accordance with law.

5. Having regard to the submissions made, and without going into the merits of the case, the Writ Petition is disposed of directing respondent authorities not to interfere with the possession and enjoyment of the petitioners without following due process of law.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:11.07.2016
INL