

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.21395 of 2016

ORDER:

Vide the present petition, the petitioner seeks direction thereby directing the respondents not to dispossess the petitioners from their houses without following due process of law and without paying compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act').

2. Heard both sides.

3. Sri Abdul Hafeez, Executive Engineer (R&B), National Highways Division, Warangal, filed counter affidavit on behalf of respondent No.2. Para 5 of the counter affidavit reads as under:

"The National Highway department is carrying out the work within the available Right of way of 100 feet. Wherever the land is required beyond the Right of way of 100 feet, the Land Acquisition proceedings are initiated as per National Highway Act 1956. The petitioner's properties are not acquired and the National Highway is carrying out the work in available Right of way of 100 feet only."

4. Learned counsel for the petitioners submits that though the land of petitioners is not acquired, but, due to the work in progress, the land of the petitioners has been damaged.

5. Though it is the submission of the petitioners' counsel that the land of the petitioners has been damaged, nowhere in the petition such a plea is taken and no assessment with regard to the alleged damage is shown in the pleadings. In that view of the matter, I do not find merit in the writ petition.

6. The writ petition is, accordingly, dismissed. However, liberty is granted to the petitioners to avail appropriate remedy, if any damage, as canvassed by the petitioners, has really been caused. No costs. Miscellaneous petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J

04th August, 2016

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