

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.7279 of 2011

ORDER:

Petitioner has filed this Writ Petition alleging that respondents 1 and 2 are trying to lay a road to Sri Venkateshwara General Market by encroaching his vacant site in D.No.87-1-1 situated in Thadithota, Rajamundry.

2. Petitioner contends that he already gifted a portion of his site for the purpose of laying road for private access to the Market Committee being set up by the 3rd respondent and in addition to the area already gifted by the petitioner, the respondents 1 and 2 wish to take some more land from his site.

3. Counter affidavit has been filed by the 2nd respondent denying this allegation and stating that the petitioner had already handed over land to the Corporation and it is utilizing the same, that a road had already been laid and the 2nd respondent had no intention to encroach into the petitioner's site any further for the purpose of formation of any road.

4. The Standing Counsel for the 2nd respondent states that in the event the 2nd respondent intends to widen the existing road and if it necessitates taking any land from the petitioner's site, they would follow the due process of law.

5. In this view of the matter, the Writ Petition is allowed; the respondents are restrained from interfering with the possession and enjoyment of the petitioner of the above property without following due process of law. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

11th July, 2016
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