

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.11638 OF 2016

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ORDER

Heard Smt. A.Padma, learned counsel for the petitioners, and Sri Mohd. Saleem, learned standing counsel for Madakasira Municipality.

The prayer of the petitioners in this case is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ or order direction more particularly one in the nature of Writ of Mandamus under Art. 226 of Constitution of India, declaring the action of the respondents without deciding the rate of compensation of the proposed acquire land by marking the land is as illegal, improper and arbitrary and to pass such other order or further orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.'

A sale deed is placed on record in proof of the petitioners' title over the subject property. In the light thereof, it is not open to the municipal authorities to interfere with the said property without following the due procedure even if the said land is required for a public purpose.

The writ petition is accordingly disposed of directing the respondent authorities not to interfere with the petitioners' possession and enjoyment of the subject property except in accordance with the due procedure laid down by law. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

26th APRIL, 2016

Note: Issue C.C. in two days.
B/o Svv