

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18836 of 2012

ORDER:

This writ petition challenges the action of the respondents in trying to demolish/remove the houses bearing Nos.2-195/A and 2-203-1 situated on the main road of C.S. Puram Village and Mandal, Prakasam District.

Heard Rama Rao Immaneni, learned counsel for the petitioners, Sri G.Seshadri, learned Standing Counsel for respondent No.1 and learned Government Pleader for Revenue for respondent No.2.

Petitioner No.1 herein purchased an extent of 50.55 square yards of land by way of a registered sale deed from one Pathan Imam Saheb. It is stated that after purchase of the said land, petitioner No.1 obtained permission from respondent No.1-Gram Panchayat for construction of building and constructed a house also. Likewise, petitioner No.2 also built a house in the land, which had fallen to his share. It is alleged in the writ affidavit that on 16.06.2012, the respondents came with their staff and kept a red mark on the petitioners' properties proposing to demolish the same to an extent of 10 feet and the petitioners were informed by the respondents that with the funds allocated by the Government, they are proposing to widen the road by another 20 feet and in the

process, they required an extent of 10 feet, as the buildings of the petitioners are abutting the road. In the above background, the present writ petition came to be filed.

On 25.06.2012, this Court, while ordering notice before admission, directed the respondents not to interfere or dispossess the petitioners from house property bearing Nos.2-195/A and 2-203-1 situated on the main road of C.S. Puram Village and Mandal, Prakasam District, as otherwise than due process of law.

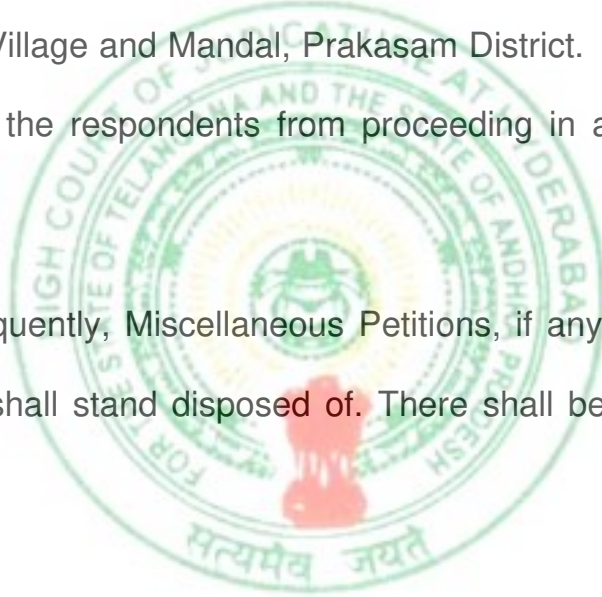
According to the learned counsel for the petitioners, the impugned action on the part of the respondents in trying to demolish the structures of the petitioners is highly illegal, arbitrary, violative of principles of natural justice and contrary to the provisions of the Land Acquisition Act, 1894. It is further submitted that without giving notice and without deciding the aspect of compensation, the respondent authorities cannot resort to the demolition of subject structures belonging to the petitioners.

No citizen of this country can be deprived of his/her property except in accordance with the procedure established by law as enshrined under Article 300-A of the Constitution of India. If the authorities require the property of a private individual, it is incumbent and obligatory on the part of the authorities to follow due process of law.

In the instant case, it is the specific complaint of the petitioners that without giving any notice and without paying any compensation, the respondent authorities are trying to take away the property of the petitioners. This Court finds sufficient force in the submission of the learned counsel for the petitioners.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents not to demolish or interfere with the peaceful possession and enjoyment of the petitioners over houses bearing Nos.2-195/A and 2-203-1 situated on the main road of C.S. Puram Village and Mandal, Prakasam District. This order does not preclude the respondents from proceeding in accordance with law.

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



A.V.SESHA SAI, J

Dt:03.11.2016.
kdl