

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19236 of 2016

ORDER:

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This Writ Petition is filed challenging the action of the 2nd respondent in trying to demolish the house of the petitioner bearing Dr.No.1/107(2) and to lay road in the petitioner's land in Sy.No.445-1, 445-2 of Penukonda Village of Anantapur District without following the due process of law.

The case of the petitioner is that he is the absolute owner and possessor of the above said house as the same was inherited from his ancestors. While the things stood thus, on 11.06.2016 without issuing any notice to him, the staff, agents and persons claiming to be engaged by the 2nd respondent trespassed into his land and started marking his house stating that they will have to demolish part of his house to lay a C.C. road with drain from Aku Koora Madhu House to Mukenteswara Temple in Penukonda Village. It is further stated that the respondent authorities did not initiate any proceedings for acquisition of the land in question as per the Land Acquisition, Rehabilitation and resettlement Act, 2013. Hence, the present Writ Petition.

Learned counsel for the petitioner submits that the respondent authorities are making hectic efforts to demolish the house of the petitioner from the land in question even without following due process of law for acquiring the land.

Learned Government Pleader for Panchayatraj submits that the allegations made by the petitioner are false. If at all the respondent authorities would like to demolish the house of the petitioner, they would follow the due process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in

possession and enjoyment of his property, his possession shall not be interfered with by the respondent authorities without following due process of law as enjoined whether under the Land Acquisition Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the Writ Petition is disposed of directing the respondents not to demolish the house of the petitioner except by following due process of law. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in this Writ Petition shall also stand closed.

JUSTICE CHALLA KODANDA RAM

Date: 17.06.2016

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