

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18246 of 2016

ORDER:

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The writ petition is filed challenging the action of the third respondent in trying to demolish the structures and dispossess the petitioner from his house bearing H.No.16-41 constructed on the land admeasuring 147¼ sq. yards in Sy.No.105/EE situated at Sattupalli Nagar Panchayat Limits, Khammam District, under the guise of road widening 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 land as the same was acquired by him through registered sale deeds dated 04.05.1992 and 18.07.1994 and since then the petitioner has been in possession and enjoyment of the same. While things stood thus, the 3rd respondent tried to dispossess the petitioner and demolish the property, even without giving any prior notice under the guise of road widening. 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 respondents-authorities are making hectic efforts to dispossess the petitioner from the land in question even without following the due procedure of law for acquiring the land.

Learned Standing Counsel for Nagar Panchayat submits that the allegations made by the petitioner are false. If really the petitioner is to be evicted, the respondents-authorities 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 land, 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 interfere with the possession and enjoyment of the petitioner except following due process of law. No order as to costs.

In view of the disposal of the main writ petition, Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

JUSTICE CHALLA KODANDA RAM

Date: 14.06.2016

Note: Issue CC in three days

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