

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.12268 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in marking the petitioner's entire house bearing No.1-1E, 2nd Ward, K. Nagulapuram Village, Gudur Mandal, Kurnool District for demolition for the purposes of digging the canal, without following due procedure of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

It is the case of the petitioner that she is the absolute owner and possessor of the above said property and she is paying the property tax to the Gram Panchayat, K. Nagulapuram. While so, the respondents have come to the premises of the petitioner and marked her entire house for demolition for the purpose of digging of a canal. It is stated that the neighbours of the petitioner had constructed a house almost on the margin of the road, but the respondents have not made any marks on their house and come to the petitioner's house at the instance of the petitioner's neighbours. The said action of the respondent authorities is violative of principles of natural justice and against the due process of law. Hence, the writ petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to dig a canal in the property of the petitioner even without following the due process of law.

Learned Government Pleader for Road and Buildings submits that the allegations made by the petitioner are false. If really the land of the petitioner is required, 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 her property, her possession shall not be interfered with by the respondents-authorities without following the 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 the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

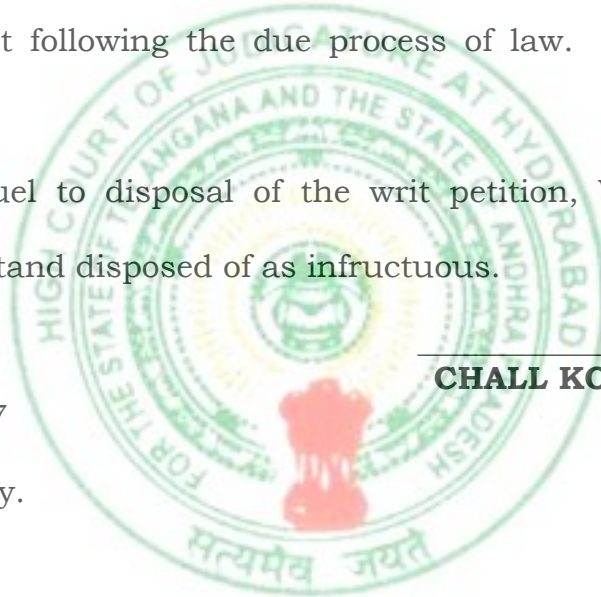
Date:06.04.2017

Note:

Issue cc by today.

B/o.

Gk.



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Date:06.04.2017.

Gk.