

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4784 OF 2017

ORDER :

Aggrieved by the action of the respondents – revenue authorities in issuing the notice dated 06.01.2017 insisting upon the petitioners to vacate and handover the possession of their respective premises situate at Narayanapet, Mahabubnagar District, for the purpose of road widening, in violation of the principles natural justice and Articles 14, 21 and 300-A of the Constitution of India, the present Writ Petition has been filed.

Learned counsel for the petitioners submits that though the impugned proceeding is termed as “notice”, in fact, the respondent authorities are forcing the petitioners to accept the cheques for compensation, as was determined by them, without following the due process. The learned counsel further submits that the petitioners have no objection if the acquisition is made either with consent or by following the due process of law.

Heard learned Government Pleaders for Municipal Administration and Revenue for the 1st respondent and Respondents 3 and 4 respectively and Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent.

It is well-settled that no citizen can be deprived of his right to property, guaranteed under Article 300-A of the Constitution of India, without following the due process of law. However, it is open for the respondents to acquire the property for the purpose of road widening by mutual consent or in the event the petitioners are not agreeable therefor, by invoking the provisions of the Right to fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013. Till then, the petitioners shall not be dispossessed from the property in question.

The writ petition is disposed of accordingly. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

13th February 2017

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