

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23230 OF 2017

ORDER:

The Writ Petition is filed challenging the action of the respondent authorities in threatening to demolish the petitioner's house, situated on the side of the road leading from Three Shops Centre, Mahabubabad via Vaddera Basti to Tallapusapally, Mahabubabad District.

It is the case of the petitioner that he is the owner of the residential house situated on the side of the road on opposite side of Three Shops Centre, via Vaddera Basti to Tallapusapally, leading from Mahabubabad and he is a poor person. It is further submitted that the road leading from Mahabubabad to Tallapusapally road is 40' wide and the said road is an internal road and the width of the road is quite sufficient and at no point of time there had been any traffic congestion, yet, subsequent to formation of Mahabubabad District, the Government has proposed to widen the existing roads from 40' to 60' and the inauguration was also done on 11.09.2016. However, the respondent authorities have changed their proposal of widening of the road from 60' to 100' and accordingly made markings in the said locality. It is further submitted that though he has submitted a representation dated 10.07.2017, the respondent authorities paid a deaf ear and are bent upon to widen the road upto 100'. If the respondent authorities are allowed to proceed with the demolition of the petitioner's house for widening the road upto 100', he will suffer irreparable loss. Hence, the present Writ Petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to demolish the petitioner's house for extension of the existing road, even without issuing notices and without following due process of law.

Learned Government Pleader for Roads and Buildings (Telangana) submits that the allegations made by the petitioner are false. If really the property of the petitioner is required, the respondent-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 fact that the petitioner is in possession and enjoyment of his property, his possession shall not be interfered with by the respondents-authorities without following due process of law as enjoined, whether under the Right to Fair Compensation and Transparency of Land Acquisition, Resettlement and Rehabilitation Act 20 of 2013 or in any other law.

Accordingly, with the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 13, 2017

KTL