

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3612 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents 2 and 3 in trying to demolish the petitioner's residential house of H.No.3-7-90, situated at Sadasivapeta for road widening purpose, during pendency of interim directions, without following due process of law, as illegal and arbitrary.

It is the case of the petitioner that she is the absolute owner and possessor of the above said property as she has purchased the same under a registered sale deed in the year 2001. Thereafter, the petitioner got constructed asbestos shed and she has been in possession and enjoyment of the same. While things stood thus, in the year 2010, the 3rd respondent herein issued notice dated 03.07.2010 stating that the schedule house land is Kandakam land which belongs to the Government and hence the 3rd respondent is trying to demolish the residential house. After receipt of the notice, the petitioner approached this Court by filing Writ Petition No.17079 of 2010 and this Court granted interim order on 16.07.2010. It is stated that the 2nd respondent proposing to widen the existing road as per the recommendation of the 3rd respondent even without following the due process of law.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to widen the existing road 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 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 facts of the case that the petitioner is in possession and enjoyment of her property, her possession shall not be interfered with by the respondent-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, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Dated:02.02.2017

Note: Issue CC forthwith.

B/o.

skmr

CHALLA KODANDA RAM, J