

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.6260 OF 2017

ORDER:

The Writ Petition is filed challenging the action of the 3rd respondent in threatening to demolish the petitioner's compound wall and a portion of his building bearing Door No.1-47-79/2, Housing Board Centre, K.N. Road, Tadepalligudem, for developing and changing of the existing drainage.

It is the case of the petitioner that as per the settlement deed dated 23.09.2006, executed by his mother, he is the absolute owner and possessor of the above said property. While things stood thus, at the instance of local councillor, the officials of the 3rd respondent-Municipality came to the premises and put marks in touching his compound wall and house portion to lay drainage in his site. In fact, the width of the existing drain is 15 feet all the way from starting point to ending point and the respondent officials did not change the alignment of the said drain, except at the point of his house. It is contended that since the subject property is his absolute and private property, it is the bounden duty on the part of the respondent authorities to issue proceedings under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, to the petitioner, for widening or changing of the passage of drain. However, without following due process of law, the respondent authorities have fixed a deadline to remove the compound wall and some portion of the building. Hence, the present Writ Petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to demolish the

petitioner's compound wall and some portion of the house for developing and changing of the existing drainage canal even without following the due process of law.

Learned Government Pleader for Municipal Administration 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 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, 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, W.P.M.Ps., if any, pending shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

Date:06.04.2017.
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