

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.2079 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondent-authorities in coming to the residential house of the petitioner bearing No.1-6-698/1, Plot No.61, Sy.No.181/1, New Indira Nagar, Chaithanyapuri, Kothapet, Hyderabad and threatening to demolish the said residential house and to dispossess the petitioner and his family members 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 he was allotted a plot of land admeasuring 66 sq. yards in Plot No.61, Sy.No.181/1, New Indira Nagar, Chaithanyapuri, Kothapet, Hyderabad, through the patta certificate No.B2/2721/78 and thereafter, petitioner had constructed a small residential house about 30 years back. The petitioner took a power supply connection and paying the electricity bills regularly without any default. While things stood thus, on 19.01.2017, the officials of the respondent-authorities visited the premises of the petitioner and informed the petitioner that they would demolish the residential house of the petitioner at any time even without issuing any notice as per the provisions of the Act.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to demolish the premises of the petitioner 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 premises 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 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 to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

Date:20.01.2017
Gk.

