

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.14594 OF 2017

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in marking on the petitioner's lodge bearing D.Nos.460 and 461 Near KDCC Bank, Yemmiganuru, Kurnool District for road widening without issuing any notice and without acquiring the land under the Act, 30 of 2013.

It is the specific case of the petitioners that markings have been made by the respondent authorities on the above said properties of the petitioner to widen the existing road to 80 feet road. However, there is no proposal which has been made to the petitioner either to pay the compensation amount or to compensate in an appropriate manner.

Learned standing counsel for the 2nd respondent, on instructions, submits that noticing the encroachments having been made by the petitioners, a notice invoking the relevant rules, has been issued to the petitioners on 26.05.2016, but the petitioners failed to submit their explanation. However, the learned standing counsel submits that the action would be taken in accordance with the law.

Having considered the submissions made by the learned standing counsel for the 2nd respondent and in view of the denial of having received any notice by the petitioners, the writ petition is disposed of giving liberty to the respondent authorities to issue a fresh notice specifying the nature of encroachment made by the petitioners and as and when such notice is issued, petitioners shall be at liberty to submit their explanation and it is only after considering such explanation and passing of the orders in accordance with law, any

demolitions shall be made by the respondent authorities. Without following the procedure as contemplated under the relevant rules, if any coercive action is taken including the demolition, the respondent authorities shall be responsible apart from the action being taken against the concerned officers. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:25.04.2017,
Gk.



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