

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.9447 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking a direction to the respondents neither to dispossess the petitioners from their properties situated on either side of the main road leading from Siddipet to Kamareddy in Mustabad Village and Mandal, Rajanna Sircilla District, nor to undertake any activity for widening of R&B Road leading from Siddipet to Kamareddy by demolishing the said properties in the respective possessions of the petitioners without following the due procedure under law.

2. The case of the petitioners is that they are the absolute owners and possessors of the houses and shops and that they are continuing as owners and possessors of the said properties for over 40 to 50 years and that some of the petitioners obtained valid permissions from Gram Panchayat and made their respective constructions and that the respondents are now proposing to lay a 100 feet wide road and are taking steps for widening activity and that if that activity is permitted, the petitioners would be put to serious loss and would be deprived of their houses and business establishments.

3. Learned counsel for the petitioners while making the afore-stated submissions and reiterating the submissions in the affidavit filed in support of the writ petition would request this Court to dispose of the writ petition duly directing the respondents to follow the due procedure established by law.

4. Learned Standing Counsel for the fifth respondent would submit that the fifth respondent would proceed only in accordance with the procedure established by law.

5. Having regard to the facts and submissions, without expressing any opinion on merits of the case, this Court deems it appropriate to dispose of the writ petition with appropriate directions.

6. Accordingly, the writ petition is disposed of, directing the respondents not to dispossess the petitioners from their respective subject properties or demolish their said properties for the purpose of widening of the road without following the procedure established by law. Needless to state that it is open to the respondents to take up the activity of widening of the existing road either by following the procedure established by law or by initiating proceedings for land acquisition, which the law permits, if necessary.

Pending miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

March 17, 2017
LMV