

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19990 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in partly demolishing the front side portion on the North-Western side of the premises bearing Grampanchayat H.No.6-75/ 1/ A of the petitioners for the purpose of road widening and digging a drainage channel without issuing any notice to the petitioners and without initiating any proceedings for acquisition under the mandatory provisions of the right to fair Compensation and Transparency in Land acquisition, rehabilitation and resettlement Act, 2013, as illegal and arbitrary, and consequently, direct the respondents not to dig the drainage channel through the land of the petitioners.

Heard and perused the material available on record.

The case of the petitioners is that the 1st petitioner, who is the father of the 2nd petitioner, purchased the above said plot and subsequently, in the family partition, the 2nd petitioner was allotted the said plot and he constructed a residential house in the said plot in the year 2010-11. Since then, the 2nd petitioner is in peaceful possession and enjoyment of the said house. While the matter stood thus, the Sarpanch, Maripalligudem Grampanchayat and the Executive Engineer, Road & Building, Warangal, along with their staff, came to the premises of the petitioners and started measuring the front portion of the premises. When the petitioners objected for the same, they informed that the Government sanctioned funds for widening of the road and for construction of drainage channel. The respondents have partly removed the structures of the petitioners. The action of the respondents in

demolishing the structures of the petitioners is contrary to law and they have not issued any notice as per the provisions of the Act.

Learned counsel for the petitioners submits that the respondent-authorities are making hectic efforts to demolish the structures of the petitioners even without following the due process of law.

Learned Government Pleader for Roads & Buildings submits that the allegations made by the petitioners are false and if really the property of the petitioners is required, the respondent authorities would follow the due procedure 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 petitioners are in possession and enjoyment of the subject property, their 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 petitioners over the subject property, except following the due process of law.

No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 27, 2017
KTL