

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.19546 of 2017

ORDER:

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of respondents in insisting the petitioners to vacate from their respective houses and site properties, situated in T.S.No.604 of Ongole Municipal Corporation Limits, as illegal and arbitrary and violative of provisions of the Greater Hyderabad Municipal Corporation Act, 1955, made applicable for 2nd respondent and consequently direct the respondents not to interfere in any manner with petitioners' said houses and site properties.

2. Heard both sides and perused the material available on record.

3. The case of the petitioners is that the forefathers of the petitioners occupied Ac. 0.06 ½ cents of house site and lived therein by constructing house since time immemorial. The petitioners and their mother succeeded to the same and have been living in their respective houses. The 4th respondent granted house sites in favour of the petitioners and their mother and they have been in continuation of possession and enjoyment of their respective houses and site properties and living with their families. While so, on 12.06.2017, the 3rd respondent visited the said houses of the petitioners and orally insisted them to vacate from their respective houses and site properties, by saying that the same was required for expansion of adjoining Dwaraka Bazaar, without issuing any notice nor passing any order to that effect.

The 3rd respondent, without considering the request made by the petitioners, are trying to interfere with the petitioners subject houses and site properties highhandedly, even without issuing any prior notice or initiating any land acquisition proceedings as contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, “the Act”). Hence, the present writ petition.

4. From the perusal of the record, it is evident that the petitioners are not able to substantiate anything by way of any document, but the learned counsel for the petitioners submitted that the respondent authorities are making hectic efforts to dispossess the petitioners from the subject houses and site properties in question even without following the due procedure of law for acquiring the land.

5. Learned Standing Counsel for the 3rd respondent submits that the allegations made by the petitioners are false. If really the petitioners are to be evicted, the respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

6. 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 their respective houses and site properties, their possession shall not be interfered with by the respondent authorities without following due process of law as enjoined whether under the Act or in any other law.

7. Accordingly, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner firm, except following due process of law. There shall be no order as to costs.

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

RAJA ELANGO,J

Date: 16th June, 2017

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