

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18261 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent authorities in highhandedly proposing to lay a road in Plot Nos.65 & 66 of an extent of 266.66 square yards and an extent of 428.33 square yards in Survey No.330/1 of Pidimgoyyi Village, Rajamahendravaram Rural, East Godavari District, without following due procedure of law, as illegal and arbitrary and violative of Articles 14 and 300A of the Constitution of India and consequently direct the 2nd respondent to follow due procedure of law before laying a road in the petitioner land.

2. Heard learned counsel for the petitioner, learned Government Pleader of Municipal Administration and Urban Development for the 1st respondent and Sri Ancha Pandu Ranga Rao, learned Standing Counsel for the 2nd respondent and perused the material available on record.

3. The case of the petitioner is that the petitioner along with other partners entered into a Partnership and constituted a firm by name Sri Lakshmi Narasimha Real Estates, Rajamahendravaram, and that the petitioner firm purchased an extent of Ac.1.20 cents of agricultural land in Survey No.330/1 along with other lands in Pidimgoyyi Village, Rajamahendravaram Rural and petitioner firm has developed the land and got converted the land into house plots through a layout and that the firm has paid all the necessary conversion charges which are in existence as

on date and most of the plots were sold by the firm to the third parties and huge constructions have come up in the plots sold by the petitioner firm and that the petitioner firm has retained plot Nos.65 and 66 of an extent of 266.66 square yards and 428.33 square yards in Survey No.330/1 of Pidimgoyyi Village. It is further case of the petitioner that on 19.05.2017 at about 11.30 a.m., the staff of the 2nd respondent came to the plots of the petitioner firm with a JCB and started to lay a 100 feet road highhandedly, without any prior information or notice to any of the partners of the firm and after coming to know about laying down of the road, the petitioner firm along with neighbours went and resisted the staff of the 2nd respondent and informed them not to lay the road in the private land without following due procedure of law and in view of resistance made by the petitioner and others, the 2nd respondent authorities left the premises without laying the road. The 2nd respondent authorities, without considering the request made by the petitioner firm, are once again proposing to lay a road through the lands of the petitioner firm 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. Learned counsel for the petitioner submits that the respondent authorities are making hectic efforts to dispossess the petitioner firm from the land in question even without following the due procedure of law for acquiring the land.

5. Learned Standing Counsel for the 2nd respondent submits that the allegations made by the petitioner firm are false. If really the petitioner firm 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 petitioner firm are in possession and enjoyment of their lands, 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: 7th June, 2017

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