

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20538 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in prosing to demolish the buildings of the petitioners bearing Nos.9-17-2, 9-25-23, 9-25-18, 9-25-44, 9-25-20, 9-25-50, 9-25-47/ 1, 9-25-38, 9-25-43, 9-25-50/ A, 9-25-49/ A, 9-25-34, 9-25-78/ D, 9-25-10, 9-25-11, 9-25-65, 9-2547/ 2/ A , 9-17-2/ B, 9-25-56, 9-25-42, 9-25-41, 9-25-64/ A, 9-25-65, 9-25-3, 9-25-64, 9-25-61, 9-25-31, 9-25-26, 9-25-55, 9-25-69, 9-25-79, 9-25-39, 9-25-43/ A, 9-25-17, 9-25-57/ 1, 9-25-72 & 51 , 9-11-10/ A , 9-25-47, 9-25-74 & 75, 9-25-51, 9-25-57, 9-25-36 , 9-25-16, 9-25-78/ D, 9-25-62, 9-25-15, 9-25-71, 9-25-17/ A, 9-25-17/ A, 9-2526/ 1 and 9-20-86, respectively, in Gundurvari Street, Rajamahendravaram Town of East Godavari District, without recourse to law and without initiating the Land Acquisition proceedings as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioners is that they are the absolute owners and possessors of the above said properties and that the said houses were constructed long back. While so, in the year 2003, the then Municipality has proposed to demolish the houses of the petitioners and others for the purpose of widening of the road. Then, some of the petitioners and others approached this Court and filed WP No.3066 of 2003 and this Court disposed of the said writ petition directing the authorities not to demolish the structures without following due procedure. Thereafter, in the year 2015, there was a proposal to prepare a new master plan and the 2nd respondent made markings on the outer walls of the buildings of the petitioners and therefore, the

petitioners got issued legal notices to the 2nd respondent stating that they are not willing to part with their properties without acquisition. But, no reply is given by the 2nd respondent. While so, surprisingly without calling for any negotiations or without initiating acquisition proceedings, the 2nd respondent got delivered consent letters to some of the petitioners and wanted them to acknowledge the consent letters for demolishing the buildings. Therefore, the petitioners are questioning the action of the respondents in trying to demolish their buildings without following the procedure under Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "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 Municipal Administration & Urban Development submits that the allegations made by the petitioners are false and if really the properties of the petitioners is required, the respondent authorities would follow the due process of law 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 their respective properties, 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 properties, except following the due process of law.

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

June 23, 2017
KTL

RAJA ELANGO, J

