

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8873 OF 2017

ORDER:

This Writ Petition is filed declaring the action of respondents, in proposing to widen Gandhi Road, Chittoor District, without issuing any notice and without initiating any proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as being arbitrary and illegal.

In the affidavit filed in support of the writ petition, petitioners state that, for the purpose of road widening in Gandhi Road, Chittoor, the respondent authorities without issuing any notice or proceedings, either under the Land Acquisition Act or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are trying to interfere with their properties.

Learned counsel for the petitioners would submit that, if the lands of the petitioners are required for any public purpose, due process of law would be followed without depriving the rights of the persons, who are in possession and enjoyment of the properties in question.

Sri M.D.Saleem, learned Standing Counsel for respondents, on instructions, submits that there is a proposal to widen the road so as to reduce traffic

congestion. He further submits that, many parties, who are approaching Courts, are encroaching the public property and claiming right over the same without there being any lawful authority; wherever the parties have right over the property, compensation shall be paid in accordance with law; and respondent – authorities shall follow due process before making any extension to the existing road.

Recording the submission made by learned Standing Counsel for respondents, the Writ Petition is disposed of. However, it is made clear that the respondents shall not evict the petitioners without following due process of law, if their properties are required for any public purpose.

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

CHALLA KODANDA RAM, J

Date:14.03.2017
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