

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14274 OF 2017

ORDER :

The petitioner challenges the notice dated 13.04.2017 issued by the 2nd respondent Municipal Council alleging that he had encroached 100' wide approved master plan road duly erecting the compound wall/shed/bunk/steps/pillar, slab projection and ramp etcetera, which are obstructing free flow of traffic and causing inconvenience to the general public. The petitioner was required to submit an explanation thereto within seven days from the date of its receipt.

The case of the petitioner is that on 17.04.2017 itself, he had submitted the building permission granted in his favour on 07.05.1980 along with xerox copies of tax receipts, registered documents, etcetera. It is his further case that he never made any encroachments onto the road.

Learned counsel for the petitioner categorically submits that the respondents, in order to avoid payment of compensation to which the petitioner is legitimately entitled to for the land that is likely to be required for the purpose of road widening, have come out with this ingenious method of alleging encroachment on the part of the petitioner. The learned counsel asserts that this method is being adopted not only in the case of the petitioner, but to other owners of the properties adjoining the road.

Learned Standing Counsel for the 2nd respondent Sri N. Praveen Kumar, on instructions, submits that the

allegations made by the petitioner are not true and it is only for the purpose of verifying the rightful entitlement of the individuals, the respondent authorities have directed to submit their documents. This exercise is being undertaken only to ensure that the proposed expansion of road is in conformity with the master plan. The learned Standing Counsel asserts that if the petitioner's land is required for the purpose of road widening, in the event of there being no encroachment, he would be compensated in accordance with law.

Having considered the respective submissions and in view of the assertion of the learned Standing Counsel, the Writ Petition is disposed of directing the respondent authorities to follow the due process of law if they require the petitioner's property and pay just compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Petitioner is given liberty to file his objections, if any, within a period of ten days from the date of this order and the respondent authorities shall consider the objections raised by the petitioner before any coercive action is initiated against him. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

21st April 2017

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