

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

Writ Petition No.2895 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in trying to demolish the petitioners' houses bearing numbers of the 1st petitioner 18-476, 2nd petitioner 14-834, 14-835, 14-836, 14-837 and 14-838, 3rd petitioner 18-480, 4th petitioner 18-473 and 18-474, 5th petitioner 18-438, 6th petitioner 14-840, 7th petitioner 14-857, situated at Palamaner Road, Chittoor, Chittoor District, as illegal, arbitrary and unconstitutional and consequently direct the respondents herein not to demolish the petitioners' houses or dispossess the petitioners without due process of law.

It is the case of petitioners that they are the absolute owners and possessors of the above said properties. While things stood thus, all of a sudden on 21.01.2017, respondents came to their houses and measured the existing Chittoor to Palamaner Road and marked for extension beyond the existing road upto 23" feet of both sides to their houses and shops without issuing any notice.

Learned counsel for petitioners submits that the respondents-authorities are making hectic efforts to extend the road in the property of the petitioners even without following the due process of law.

Learned Government Pleader for Road and Buildings submits that the allegations made by the petitioners are false. If really the lands of petitioners are required, the respondents-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 property, their possession shall not be interfered with by the respondents-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 except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, W.P.M.Ps. if any pending shall stand disposed of as infructuous.



CHALL KODANDA RAM, J.

Date: 02.02.2017

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