

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23219 OF 2017

ORDER:

The Writ Petition is filed challenging the action of the respondents in trying to demolish shops bearing D.Nos.36-1-86 and 36-1-87, Ward No.13, Main Road, Palakol, West Godavari District, without initiating land acquisition proceedings, under Right to Fair Compensation and Transparency of Land Acquisition, Resettlement and Rehabilitation Act, 2013 (for short 'the Act.')

It is the case of the petitioner that his grand-mother purchased the subject property in the year 1989. At the time of purchase, there are two shops existing in the said building and the 2nd respondent allotted door numbers and collecting the property tax regularly. In the year 1990, when the 2nd respondent widened the road from 30 feet to 40 feet, they voluntarily surrendered some extent of land without receiving any compensation. While so, on 05.07.2017, the officials of respondents 2 and 4 came to the shops and took measurements on either side of the road, and on enquiry, they informed that they intend to extend the existing road to 60 feet. The respondents want to demolish the entire building of the petitioner without following due procedure. If the respondent authorities are allowed to proceed with the demolition of the petitioner's shops for widening the road upto 60', he will suffer irreparable loss. Hence, the present Writ Petition.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to demolish the

petitioner's shops for extension of the existing road, even without issuing notices and without following due process of law.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false. If really the property of the petitioner is 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 fact that the petitioner is in possession and enjoyment of his property, his possession shall not be interfered with by the respondents-authorities without following due process of law as enjoined, whether under the Right to Fair Compensation and Transparency of Land Acquisition, Resettlement and Rehabilitation Act 20 of 2013 or in any other law.

Accordingly, with the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 13, 2017

KTL