

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.14983 OF 2017

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in interfering with peaceful possession and enjoyment of the property of the petitioner bearing No.44-17-14, Annapurnammamet, Rajamahendravaram, East Godavari District, by way of making marking for the demolition of the compound wall and other structures to an extent of 14 feet of the frontage of the petitioner's theatre property under the guise of proposed road widening without issuing any notice and opportunity as contemplated under law.

It is the apprehension of the petitioner that the property of the petitioner would be acquired without following due process of law.

Learned standing counsel for 2nd respondent while admitting that the markings have been made submits that it is only for the purpose of ascertaining the actual extent that may be required for road widening and in the process of survey, such markings have been made and as and when the property is required for the purpose of road widening, the same will be done by initiating appropriate proceedings.

In view of Section 12 of the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act"), the survey is permissible even before issuance of notification for acquisition. However, the acquisition of the property has to be done only by following due process of law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of his property, his 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 petitioner except following the due process of law. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:26.04.2017,
Gk



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