

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22636 OF 2017

ORDER:

This writ petition is filed to declare the action of the respondents in interfering with the possession of the petitioner over shop bearing D.No.3-69(Old) D.No.3-93(New), admeasuring 35.44 square yards, consisting of ground and first floor, situated at Meda Street, Kalyandurgam, Ananthapuram District, and proposing to demolish the same, as illegal and arbitrary, and consequently, direct the respondents to initiate proceedings either under Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013 (for short, "the Act"), or any applicable law.

The case of the petitioner is that he is the absolute owner and possessor of the abovementioned property. While so, on 10.06.2017 the officials of the 3rd respondent came to the petitioner's property and started taking measurements without any intimation and information or prior notice to the petitioner. When the same was questioned by the petitioner, they informed that his property is required for widening the road, which leads to Brahmasamudram road, and directed the petitioner to vacate the premises within two weeks so as to enable them to widen the road by demolishing the building. Hence, this writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the officials of the 3rd respondent are making hectic efforts to demolish the structures of the petitioner for the purpose of road widening, without issuing any notice to the petitioner as per the provisions of the Act.

Learned Government Pleader for Roads & Buildings submits that the allegations made by the petitioner are false and if really the property of the petitioner is required, the authorities concerned 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 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 Right to Fair Compensation and Transparency in 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 over the subject property, except following the due process of law.

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

July 10, 2017
KTL

RAJA ELANGO, J