

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22533 OF 2017

ORDER:

The writ petition is filed to declare the action of the respondent in threatening the petitioner to demolish the construction without any notice, as illegal and arbitrary, and consequently, direct the respondent not to initiate any proceedings to demolish the construction without service of notice on the petitioner.

The case of the petitioner is that she along with her husband purchased an extent of 363 square yards of land in Sy.Nos.1431, 1432, 1438 and 1439, situated opposite to Civil Hospital, Sawaran Street, Karamnagar, through a registered sale deed, dated 29.07.2010. The petitioner started construction of a building, after obtaining permission from the respondent Corporation, without any deviations. From 15.06.2017, the officials of the respondent Corporation are coming to the plot and threatening to demolish the structures without giving any notice. Hence, this writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioners submits that the respondent-authorities are making hectic efforts to demolish the structures of the petitioner even without following the due process of law.

Learned Standing Counsel appearing for the respondent Corporation submits that the allegations made by the petitioner are false and if really the property of the petitioner is required, the respondent 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 petitioner is in possession and enjoyment of the property, her 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 demolish the structures in the subject property and 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