

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.43006 of 2016

ORDER:

Petitioner prays for the following relief:

“..to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 3 and 4 in trying to demolish the petitioner's property bearing Door No.5- 97, in R.S.No.349/ 1B, Eedupugallu Village, Kankipadu Mandal, Krishna District, without following the due process of law as illegal, arbitrary, violation of Articles 14, 21 and 300-A of the Constitution of India and violation of principles of natural justice and consequently direct the respondents not to dispossess the petitioner from the above property and demolish the same ..”

2. On 09.12.2016, this Court directed the parties to maintain status quo as regards structures covered by subject matter of the writ petition.

3. From the prayer, it is evident that the petitioner questions the threatened action of respondents in proposing to demolish the structures without recourse to law as illegal, arbitrary and unconstitutional.

4. The third respondent filed counter affidavit and as directed by this Court, has produced the record relating to acquisition of the property of petitioner and also other properties on the same alignment.

5. After perusing the record, learned counsel for petitioner does not pursue the writ prayer but requests the Court to leave all issues relating to compensation payable to petitioner and/or challenge to

award open for working out in pending case before the second respondent or by filing an independent proceeding. He further requests the Court to grant eight weeks time to petitioner to vacate and hand over the acquired portion of property.

6. Learned Government Pleader for Land Acquisition stoutly opposes the writ prayer by contending that when the petitioner has come to Court with unclean hands and does not even disclose the minimum details to which he is a direct party, the consideration of the prayers of petitioner would virtually amount to condoning suppression and further paying premium to such conduct. He further contends that eight weeks time requested by petitioner is completely unreasonable and leaves it to Court to grant reasonable time for vacating the acquired portion and delivering it to respondents.

7. I have perused the material available on record and also the record on the subject. I am not proposing to consider the suppression or other objections raised by respondents. The petitioner is aged about 65 years and may be under erroneous impression would have filed the writ petition but the rights of petitioner otherwise ought not to be adversely affected while considering his prayers.

Accordingly, the writ petition is disposed of. The petitioner is granted time till 21.01.2017 to vacate the acquired portion and deliver vacant possession to respondents. The respondents are directed to mark the acquired portion strictly in accordance with the award passed on 07.08.2013. The second respondent is directed to dispose of the claim of petitioner filed for enhanced compensation including the claim

of petitioner for compensation under Act 30 of 2013 within eight (8) weeks from the date of receipt of copy of this order. Petitioner is given liberty to file a petition by enclosing copy of this order for expeditious disposal before second respondent. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 4, 2017
DSK

S. V. BHATT, J

