

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17451 OF 2017

ORDER:

The writ petition is filed by the petitioner seeking a writ of Mandamus to declare the action of the 2nd respondent in trying to lay the road through the plot of the petitioner i.e. Plot No.26 admeasuring 490.66 sq.yards., in RS No.226/3 of Rajamahendravaram Rural, Rajamahendravaram, East Godavari District, by dispossessing the petitioner without following the due process of law, as illegal and arbitrary and consequently, direct the 2nd respondent to drop all further proceedings in this regard.

The case of the petitioner is that he has purchased the above said property from his vendor for a valuable sale consideration under registered sale deed, dated 26.04.2008, and since then, he is in continuous possession and enjoyment of the same. While so, on 18.05.2017, the 2nd respondent authorities came to the property of the petitioner and started taking measurements of the land in order to lay road through the said property, without issuing any notice and without following the due procedure as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

Learned Government Pleader for Municipal Administration, while denying the allegations made by the petitioner, submits that if really the property of the petitioner is required, the 2nd 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, his possession shall not be interfered with by the respondents 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 property situated in Plot No.26 admeasuring 490.66 square yards in RS No.226/ 3, Rajamahendravaram Rural, Rajamahendravaram, East Godvari District, except following the due process of law. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

June 02, 2017
KTL

RAJA ELANGO, J

