

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.15907 OF 2017

ORDER:

The Writ Petition is filed questioning the action of respondent No.2 – Municipality in putting markings on the petitioner's shopping complex situated at Bus Stand Road, Yemmiganuru, Kurnool District, for the purpose of road widening without issuing any notice and without acquiring land under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

Petitioner states that respondent - authorities had put markings for demolition of the shopping complex to widen the existing road to 80 feet road. He further states that, without acquiring the subject land and without paying compensation, respondent No. 2 – Municipality is taking steps to demolish the shopping complex. Hence the Writ Petition.

Learned Standing Counsel for respondent No.2 – Municipality, on instructions, submits that, on noticing that encroachments have been made by the petitioner, notice, invoking the relevant rules under the Hyderabad Municipal Corporation Act, 1955, has been issued to the petitioner on 26.05.2016 but, however, he failed to submit explanation. He submits that action would be taken only in accordance with law.

Having considered the submissions made by the learned Standing Counsel for respondent No.2 – Municipality and, in

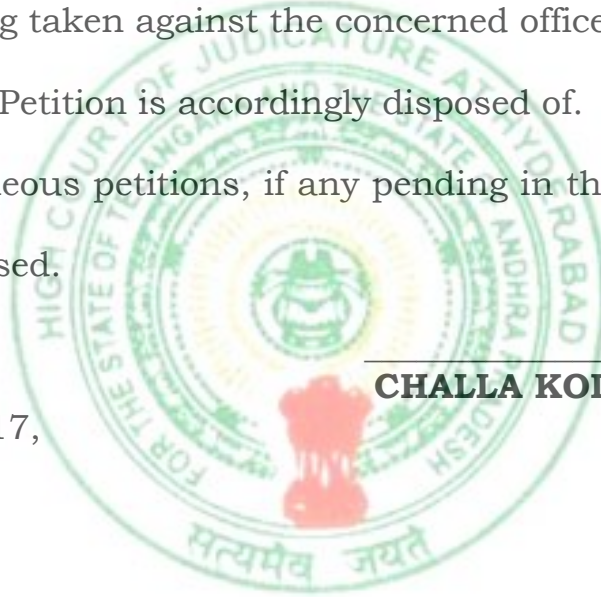
view of the denial of receipt of notice by petitioner, the Writ Petition is disposed of giving liberty to respondent No.2 - Municipality to issue fresh notice specifying the nature of encroachment made by the petitioner; as and when such notice is issued, petitioner is at liberty to submit explanation; and, only after considering such explanation, pass orders, in accordance with law. Without following the procedure prescribed, if any coercive action is taken, including demolition, respondent No.2 – Municipality shall be responsible, apart from the action being taken against the concerned officers.

The Writ Petition is accordingly disposed of.

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

Date: 27.04.2017,
usd

CHALLA KODANDA RAM, J



HONB'E SRI JUSTICE CHALLA KODANDARAM



WRIT PETITION No.14538 OF 2017

Date:25.04.2017

Gk