

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7281 OF 2017

ORDER:

The action of the respondent authorities, in issuing letter No.L-97/RW/ACP-10A/CZ/TPS/GHMC/2016 dated 20.10.2016 asking the petitioner to vacate and handover premises bearing No.8-4-369/A/870/S/III, admeasuring 90 sq. yards situated at N.N.R.Puram Colony, Site-III, Borabanda, Hyderabad, for the purpose of road widening, is questioned in this Writ Petition as being illegal, arbitrary and in violation of principles natural justice and Articles 14, 21 and 300-A of the Constitution of India.

Learned counsel for the petitioner submits that the respondent authorities are forcing the petitioner to sign the consent letter, enclosed along with the impugned letter. He further submits that the petitioner has no objection if the acquisition is made either with consent or by following due process of law.

Heard the learned Counsel for the petitioner and Sri P.Kesava Rao, learned Standing Counsel for respondent Nos.2 and 3.

It is well settled that no citizen can be deprived of his property rights, which are protected under Article 300-A of the Constitution of India, without following the due process of law. However, it is open for the respondents to acquire the property for the purpose of road widening by mutual consent

or in the event the petitioner is not agreeable for mutual consent, by invoking the provisions of Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Till then, the petitioner shall not be dispossessed from the property in question.

The writ petition is disposed of accordingly. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM,J

Date:06.03.2017
usd

