

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.8177 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in proposing to widen the Gandhi Road, Chittoor, Chittoor District, without issuing any notice and without initiating any proceedings under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as arbitrary and illegal and consequently, direct the respondents not to interfere with the rights of the petitioners over the properties mentioned in the affidavit, except due process of law.

2. In the affidavit filed in support of the petition, it is stated that for the purpose of road widening in Gandhi Road, Chittoor, the respondent authorities without issuing any notice or proceedings whatsoever, either under the Land Encroachment Act or under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are trying to interfere with the petitioners' properties.

3. Learned counsel for the petitioners would submit that if the lands of the petitioners are required for any public purpose, due process of law will be followed without depriving the rights of the petitioners, who are in possession and enjoyment of the properties in question.

4. Learned Standing Counsel, on instructions, submits that there is a proposal to widen the road so as to rectify the traffic congestion and that many of the parties, who are approaching the Courts, are encroaching on the public property and claiming right over the same without there being any lawful authority. However, he further submits that wherever the parties have right over the property will be dealt with in accordance with law and compensation, if any, shall also be paid. In the case on hand, due process will be followed before any extension is taken up.

5. Recording the submission made by learned Standing Counsel, the Writ Petition is disposed of, making it clear that the respondents shall not evict the petitioners without following due process of law, if their properties are required for any public purpose.

Miscellaneous petitions pending, if any, shall stand closed.

No order as to costs.

CHALLA KODANDA RAM, J

MARCH 10, 2017

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Date: 10.03.2016

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