

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9962 OF 2017

ORDER:

The writ petition is filed by the petitioner seeking a writ of Mandamus to declare the action of the respondent authorities in demolishing the petitioner's building bearing D.No.13-3-6, T.S. No.1207 & 1208, Block No.24 and Assessment No.6081/ A situated on the western row of Poolbagh road, near Palli Veedhi Junction, Vizianagaram, without following the due process of law, as illegal and arbitrary and consequently, direct the respondent authorities to follow due process of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act") for acquisition of the petitioner's property.

The case of the petitioner is that he has purchased the above said property in the public auction held by the bank and accordingly, the bank has also issued sale confirmation order, dated 22.06.2007. The respondent authorities, in order to widen the road from Ambati Satram junction to Water Tank, Kothapeta, demolished the structures of the property of the petitioner without issuing any notice and without following the due procedure as per the provisions of the Act.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false. If really the property of the petitioner is required, the 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 respondent authorities without following the due process of law as enjoined whether under the 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 except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, W.P.M.Ps., if any pending, shall stand closed.

CHALLA KODANDA RAM, J

March 21, 2017
KTL

