

HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY

WRIT PETITION No.16904 of 2017

ORDER:

The Writ Petition is filed challenging the action of respondent Nos. 2 and 3 in attempting to demolish part of the residential house No.3-7-88 in an extent of 230.22 sq.yds., Sadasivapeta Mandal, Medak District, for road widening purpose, without following due process of law.

It is the case of the petitioner that he is the absolute owner and possessor of the subject property, as he purchased the same under a registered sale deed dated 21.04.1999. While things stood thus, in the year 2010, respondent No.3 issued notice dated 03.01.2010 stating that the subject land is Kandakam land and belongs to Government and, in pursuance of notice, respondent No.3 is trying to demolish the compound wall. On receipt of notice, the petitioner approached this Court by filing Writ Petition No.17113 of 2010 and this Court granted interim order on 16.07.2010. It is stated that respondent Nos.2 and 3 are proposing to widen the existing road without even issuing any notice or without following due process of law.

Learned counsel for the petitioner submits that the respondent - authorities are making hectic efforts to widen the existing road encroaching into the property of the petitioner without following due process of law.

Learned Government Pleader for Road and Buildings submits that the allegations made by the petitioner are false and, if really the land of the petitioner is required, the respondent - authorities will follow due process of law and appropriate steps would be taken in accordance with law and right now, the respondents are not widening the road.

In the light of the submissions made by the respective counsel, and in view of the admitted fact that the petitioner is in possession of the subject property, the respondent No.2 is directed not to dispossess without following due process of law as enjoined under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or 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 due process of law. No order as to costs. Miscellaneous applications, if any, pending shall stand closed.

M. SATYANARAYANA MURTHY, J

May 11, 2017.
KTL

