

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.11589 OF 2017

ORDER:

The writ petition is filed challenging the highhanded action of the respondents 4 and 5 in taking the hasty hectic steps to demolish affected portion of the petitioners' premises pursuant to the notice dated 02.11.2016 of the 3rd respondent for proposed widening of Lalupuram Road without considering the objections of the petitioners and without following the due process of law.

It is the case of the petitioners that the 1st petitioner is the absolute owner and possessor of the property covered in house bearing D.No.25-21-287/1, situated at R. Agraharam, Guntur city. The 2nd petitioner is the owner of the property over an extent of 160 sq. yards of the same area and likewise, the 3rd petitioner is the owner and possessor of house in land admeasuring 153 sq. yards in D.No.187/A, situated at Ankireddypalem, Guntur District. While things stood thus, on 02.11.2016, the 3rd respondent served notices to the petitioners to give willingness for the widening programme. Thereafter, the petitioners submitted their objections on 28.01.2017 to the 3rd respondent-Commissioner stating that they have no interest to avail Transferable Development Right (TDR) facility and requested the 3rd respondent authority to settle and pay the compensation amount before taking over possession, but the respondent authorities even without considering the objections filed by the petitioners trying to take over the possession of the properties of the petitioners forcefully. Hence, the writ petition.

Learned counsel for the petitioners submits that the respondents-authorities are making hectic efforts to take over the possession of the petitioners by demolishing the premises of the petitioners even without following the due process of law and not giving any opportunity of hearing.

Learned Government Pleader for Municipal Administration (A.P) submits that the allegations made by the petitioner are false. If really the petitioners properties are required, the respondents-authorities would follow the due process of law and appropriate steps would be taken for acquisition of the properties for the purpose of road widening, 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 petitioners are in possession and enjoyment of their premises, their possessions shall not be interfered with by the respondents-authorities without following the due process of law.

Accordingly, the writ petition is disposed of directing the respondent authorities not to interfere with the possession and enjoyment of the petitioners except following the due process of law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

Date:03.04.2017.

Note:

Issue CC forthwith.

B/o.

Gk.

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