

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18851 OF 2017

ORDER:

The writ petition is filed challenging the action of the authorities of the 2nd respondent in trying to demolish the residential houses of the petitioners situated in Sy.Nos.81, 83, 85/ 1, 85/ 2 of Sanjeeva Nagar, Rajahmahendravararam, East Godavari District, as illegal and arbitrary and consequently direct the authorities of the 2nd respondent not to demolish the houses of the petitioners.

The case of the petitioners is that they are in possession and enjoyment of the above said properties since long time and that the staff of the 2nd respondent visited the houses of the petitioners and taken measurements stating that the respondents have proposed to widen the road from the existing 43 feet to 60 feet, and on the request of the petitioners they left the place. Again the authorities came to the houses of the petitioners and threatened to demolish the houses without following the due process of law and even without issuing any notice to them.

Learned counsel for the petitioners submits that the 2nd respondent-authorities are making hectic efforts to demolish the houses of the petitioners even without following the due process of law.

Learned Government Pleader for Revenue submits that the allegations made by the petitioners are false. If really the properties of the petitioners are required, the respondents 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 petitioners are in possession and enjoyment of the properties, their possession shall not be interfered with by the respondents without following 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 petitioners over the subject property, except following the due process of law. No order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

June 12, 2017

KTL

RAJA ELANGO, J

