

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12127 of 2017

ORDER:

The action of respondents, in seeking to demolish the buildings in D.Nos.68/3 and 68/4 situated at Adiviram Village, Visakhapatnam District, for the purpose of road widening without initiating acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013), is questioned in this Writ Petition as being illegal and arbitrary.

Petitioners claim to be owners of buildings in D.Nos.68/3 and 68/4 situated at Adiviram Village, Visakhapatnam District. They state that the respondents, with a view to widen the existing road to 100 and 120 feet, had made markings to the subject buildings. Their grievance is that the respondents, without acquiring the subject buildings, are seeking to demolish them. However, as on date, no acquisition proceedings or any other proceedings were initiated. Hence the Writ Petition.

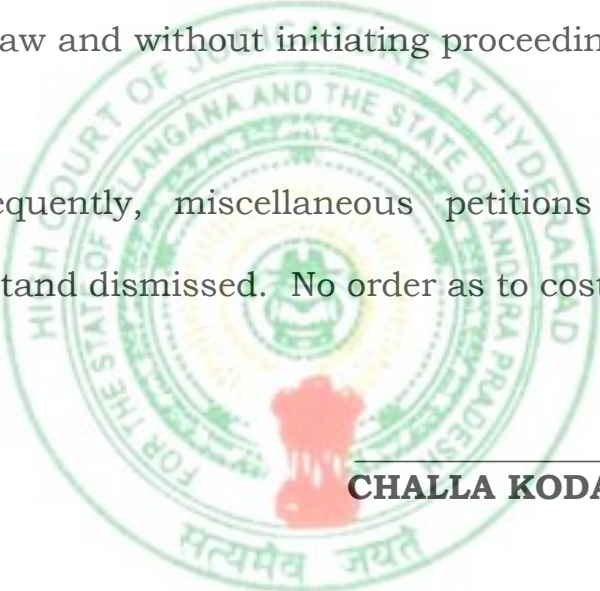
Heard Sri N.Subba Rao, learned counsel for the petitioners and Sri S.Laxminarayana, learned Standing Counsel for Visakhapatnam Municipal Corporation.

It is well settled that citizens shall not be deprived of property rights protected under Article 300-A of the

Constitution of India without following due process of law and, if the lands of the petitioners are required, State is at liberty to acquire the same by paying just compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Act 30 of 2013).

The Writ Petition is, accordingly, disposed of with a direction to the respondent – authorities not to interfere with the petitioners' properties without following due process of law and without initiating proceedings under Act 30 of 2013.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.



CHALLA KODANDA RAM,J

Date: 06.04.2017
Gk