

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.3150 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents in taking steps to demolish the house of the petitioner bearing H.No.49/2-C-36, Lakshminagar, Kurnool Town, Kurnool District, without issuing any notice of opportunity of hearing to the petitioner.

Heard Smt Thota Suneetha, learned counsel for the petitioner and Sri S.D. Goud, learned Government Pleader for the Municipal Administration.

It is the case of the petitioner that originally she has purchased the house bearing H.No.49/2-C-36 situated in an extent of 160 sq. yards, Lakshminagar, Kurnool Town, Kurnool District, from one Sri M.T. Balaiah on 18.12.2004 and since then onwards, the petitioner has been in physical possession and enjoyment of the same without any interruption from anybody. The petitioner got her name mutated in the Municipal Records and also paying the necessary municipal taxes from time to time. The petitioner is also having electricity connection, water connection to her house and the house was also assessed with the municipal tax. While things stood thus, basing on a representation made by the 3rd respondent, the officials of the 2nd respondent have high handedly entered into the petitioner's house property and made some markings on 25.01.2017 and informed the petitioner that they are going to form a road and for which the house is being undertaken and directed the petitioner to vacate the premises within three days otherwise the 2nd respondent would come along with the police and demolish the said premises, even without issuing any notice or without following the due process of law. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the respondent-authorities are making hectic efforts to demolish the premises of the petitioner even without following the due process of law.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false. If really the premises 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 her property, her 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.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:30.01.2017.
 Note:
 Issue CC forthwith.
 B/o.
 Gk

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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Date:30.01.2017

Gk

