

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.8251 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in interfering with the petitioner's peaceful possession and enjoyment of his dwelling unit bearing Municipal No.D.No.15-7-1C/3, Balajinagar, Ramakrishna Rao Peta, Kakinada (Urban), without following due procedure of law under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

It is the case of the petitioner that he is the absolute owner and possessor of the above said property as it has inherited from his wife as she expired on 6.9.2016. While she was alive the petitioner's wife applied for building permission to the 2nd respondent Corporation and the 2nd respondent has accorded permission for construction of ground plus first floor. Accordingly, the petitioner got constructed the ground and first floor and living in the same. While things stood thus, all of a sudden on 15.02.2017, the officials of the 2nd respondent came to the premises and started marking the same with an intention to lay the sewerage line beneath our building even without issuing any notice as per the provisions of the Act.

Learned counsel for the petitioner submits that the respondents-authorities are making hectic efforts to lay the sewerage line beneath of the property of the petitioner even without following the due process of law.

Learned Government Pleader for respondent corporation submits that the allegations made by the petitioner are false. If really the land of the petitioner is required, the respondents-authorities

would follow the due process of law and appropriate steps would be taken in accordance with law.

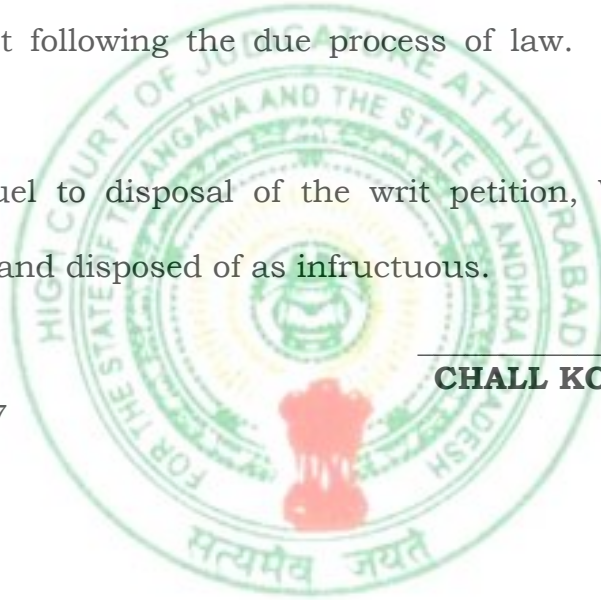
In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of his property, his possession shall not be interfered with by the respondents-authorities without following the due process of law as enjoined 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.

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

Date:10.03.2017
Gk.

CHALL KODANDA RAM,J



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