

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23151 OF 2017

ORDER:

The Writ Petition is filed challenging the action of the respondents 2 to 7 in making efforts to dispossess and demolish Petitioners' respective houses bearing numbers 1/150 and 1/149 in survey no.266A/ 2B, situated in Payalacheruvu Gram Panchayath, Yadiki Mandal, Anantapur District as illegal and arbitrary, and consequently, direct the Respondents 2 to 7 not to dispossess and demolish the petitioners' respective houses bearing numbers 1/150 and 1/149 in Survey No.266A/ 2B, situated in Payalacheruvu Gram Panchayath, Yadiki Mandal, Anantapur District, for widening the Payalacheruvu-Nagaruru Road, without following due process of law.

It is the case of the petitioners that they are the owners of their respective houses situated in Payalacheruvu Gram Panchayat, Yadiki Mandal, Anantapur District, and they are in peaceful possession and enjoyment of the same. While so, in the month of June, 2016, the officials of the respondents came to the houses and informed the petitioners that they are going to widen the existing road from Payalacheruvu to Nagaruru and put marks. Without following the due procedure and without even giving any notice to the petitioners, the respondents are trying to demolish the houses of the petitioners. Therefore, the petitioners approached the 2nd respondent, but there is no response from him. If the respondent authorities are allowed to proceed with the demolition of the petitioners' house properties for widen the existing road, they will suffer irreparable loss. Hence, the present Writ Petition.

Learned counsel for the petitioners submits that the respondents-authorities are making hectic efforts to demolish the petitioners' house for laying the double side road, even without issuing notices and without following due process of law.

Learned Government Pleader for Roads and Buildings submits that the allegations made by the petitioners are false. If really the properties of the petitioners are 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 fact that the petitioners are in possession and enjoyment of their respective properties, their possession shall not be interfered with by the respondents-authorities without following due process of law as enjoined, whether under the Right to Fair Compensation and Transparency of Land Acquisition, Resettlement and Rehabilitation Act 20 of 2013 or in any other law.

Accordingly, with the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 13, 2017
KTL