

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20607 OF 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed for the following relief:

“To declare the action of the Respondents in interfering with the possession of the Petitioners and proposed demolition of shop cum house of the 1st petitioner bearing D. No. 3/139, admeasuring to 107.61 sq yards, consisting of Ground and First Floors, the 2nd petitioner is owner of shop cum residence bearing D. No. 3/70, admeasuring to 92.62 sq yards, consisting of Ground + Two floors, the 3rd petitioner is the absolute owner of shop cum residence bearing D. No. 3-122, admeasuring to 71.55 sq yards, consisting of ground and first floor and the 4th petitioner is owner of a shop cum residence bearing D. No. 3-54, admeasuring to 132.22 sq yards, consisting ground and first floors are situated at Meda Street, Kalyandurgam, Ananthapuram District, as illegal, arbitrary, unjust and in contrary to the Principles of Natural Justice and consequentially direct the Respondents to initiate the proceedings either under Land Acquisition Act or under any applicable Law and follow due process of law.”

Heard and perused the material available on record.

The case of the petitioners is that they are the absolute owners and are in peaceful possession and enjoyment of the abovementioned properties. While so, on 08.06.2017 the officials of the 3rd respondent came to the properties of the petitioners and started taking measurements without any prior intimation and information or any notice to the petitioners. When questioned by the petitioners, the officials informed that they are going to widen the road and therefore, the properties of the petitioners are required, and directed the petitioners to vacate the premises within two weeks so as to enable them to demolish the said structures, without issuing any notice as per the provisions under Right to Fair Compensation and Transparency in

Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

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

Learned Government Pleader for Roads & Buildings submits that the allegations made by the petitioners are false and if really the properties of the petitioners 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 petitioners are in possession and enjoyment of their respective properties, their 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 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.

RAJA ELANGO, J

June 27, 2017
KTL