

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20209 OF 2017

ORDER:

The writ petition is filed challenging the action of the respondents in trying to demolish the houses bearing Nos.1-4/ 1, 3-9/ 1, 1-4, 2-1/ 1, 2-1/ 2, 3-10, 5-123/ 1, 5-121/ 2, 3-7, 5-125/ 1, 5-125, 5-124, 5-84 of Navipet village & Mandal, presently Bodhan District, formerly Nizamabad District, respectively of the petitioners, without following due procedure contemplated under law, as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners and are in peaceful possession and enjoyment of the said premises. While so, on 01.06.2017 the subordinates of the respondents 4 and 5 came to the premises of the petitioners and put the marks to a depth of 10 to 15 feet and tried to demolish the structures of the petitioners, 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"), stating that the petitioners encroached the government land while constructing the buildings, and now the said portion is required for the purpose of road widening.

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.

June 21, 2017
KTL

RAJA ELANGO, J