

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.23633 OF 2012

ORDER:

The petitioner prays for the following relief:

“...Mandamus declaring the action of the respondents in seeking to demolish the house of the petitioner without following the provisions of Land Acquisition Act and also without considering the alternative remedy available to the authorities to lay a by-pass road instead of demolishing the house of the petitioners is as illegal, arbitrary, discriminatory, unjust and principles of natural justice...”

On 01.08.2012, this Court directed respondents not to demolish or otherwise meddle with the house of petitioner except in accordance with law including by acquiring the house until further orders.

The interim order is subsisting as on date.

Be that as it may, the 1st respondent filed counter affidavit and by way of reply, it is stated that the allegation that the 1st respondent is proposing to widen road is incorrect, as matter of fact, no such plan was executed by the 1st respondent. The stand of 1st respondent is required to be placed on record for disposing of the writ petition which reads thus:

“In reply to Paras 2 to 4 of the writ affidavit, I submit that as stated supra the gram panchayat is not proposed any widening of the road and as stated supra no funds were released for road widening purpose. As stated by the petitioners the gram panchayat is not proposed to demolish any of the applicants, only on apprehension the petitioners approached this Hon'ble Court by filing writ

petition. The other averments made in these paras are not true and correct.

In reply to Paras 5 to 7 of the writ affidavit, I submit that I am not aware of any representation is made to the earlier Panchayat Secretary since the concerned file does not contain any such representation pending. The other averments made in these paras are not true and correct. It is true that some of the residents approached this Hon'ble Court by filing the different wit petitions on apprehension only."

The statements of 1st respondent are placed on record. Since the interim order is subsisting for quite some time, the interim direction is made final order in the writ petition. The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 23.01.2017

Sp



S.V.BHATT,J