

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.6746 of 2017

ORDER:

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

“To issue a Writ, Order or direction, preferably a Writ in the nature of Mandamus declaring the action of the Respondents in high handedly trying to dispossess and demolish the house in land admeasuring 376 Sq.Meters in RS No 457/1B of Poranki village, Penamaluru Mandal, Krishna District of the Petitioner by fixing the time of 24 hours to vacate the house vide notice 25/02/2017 as illegal, arbitrary and violative of Article 14, 21 , opposed to Sec.3-E of The National Highways Authorities Act, 1956 and 300-A of the Constitution of India and consequently direct the Respondents herein not to dispossess the petitioner by demolishing the dwelling house in land admeasuring 376 Sq.Meters in RS No 457/1B of Poranki village, Penamaluru Mandal, Krishna District without due procedure pending disposal of the above Writ Petition.”

2. Heard the learned counsel for the petitioner and Sri S.S.Varma for the respondents 1 to 3 and the learned Government Pleader for Revenue for respondents 4 to 6.

3. According to the petitioner he owned an extent of 376 sq. Meters in R.S.No.457/1B of Poranki Village, Penamaluru Mandal, Krishna District having inherited the same from his mother and he is in possession and enjoyment of the property. The respondents herein pressed into service the provisions of the National High Ways Act, 1956. It is further stated that the respondent did not officially intimate about passing of the award nor any copy has been served officially on the petitioner.

4. On instructions, it is submitted by the learned Government Pleader that the competent authority passed Award No.2/2015, dated 31.05.2016. It is further submitted by the learned counsel for the petitioner that as per the

provisions of Section 3-E of the National High Ways Act, 1956 60 days notice is mandatory for taking possession of the property.

5. On the other hand, it is submitted by the learned Standing Counsel Sri S.S.Varma that after passing the award amount was deposited with the competent authority and in turn the authorities deposited the compensation amount with the account of the petitioner herein.

6. It is also stated in the writ affidavit that the petitioner herein is reserving his right to take appropriate steps for challenging the award. Learned counsel for the petitioner prays this court to grant reasonable time as mandated under Section 3-E of the National High Ways Act. On the other hand, it is submitted by the learned Standing Counsel that the said provision of law does not apply to the facts and circumstances of the case as the respondents have already deposited the amount with the account of the petitioner.

7. In the instant case, admittedly the petitioner herein is a senior citizen and it is stated in the writ affidavit that the petitioner is a Doctor by profession.

8. Having regard to the submissions of the learned counsel for the petitioner and the learned Government Pleader and the learned Standing Counsel, this Court deems it appropriate to dispose of the writ petition by granting some reasonable time to the petitioner to vacate the subject premises.

9. For the aforesaid reasons, this writ petition is disposed of, by granting four weeks time from today to the petitioner herein to vacate the subject house in land admeasuring 376 sq. Meters in RS.No.457/1B of Poranki Village, Penamaluru Mandal, Krishna District pursuant to the notice dated 25.02.2017 of the Thasildhar/Mandal Revenue Officer, Penamaluru Mandal, Krishna District/sixth respondent herein. It is also made clear that the petitioner is at liberty to assail the quantum of compensation as per law. As a sequel, the miscellaneous applications pending, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:27.02.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



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