

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37213 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“... to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish the shop and residential building bearing shop D.No.38-1-12 of Ward No.10, Main Road, Palakol, West Godavari District, without initiating land acquisition proceedings under the Right to Fair Compensation and Transparency of Land Acquisition, Resettlement and Rehabilitation Act 20/2013 and without following due process of law, as arbitrary, illegal and violative of Principles of Natural Justice and consequently direct the respondents not to demolish the above structures without initiating land acquisition proceedings and to pass such other orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Learned counsel for the petitioner would submit that if the property of the petitioner is required for any public purpose, the respondents are required to follow the procedure under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law, which is applicable, but they cannot interfere with the possession of the petitioner over the subject property without following the procedure established by law.

3. Learned Government Pleader appearing for respondent Nos.3 and 4 and the learned Standing Counsel appearing for respondent

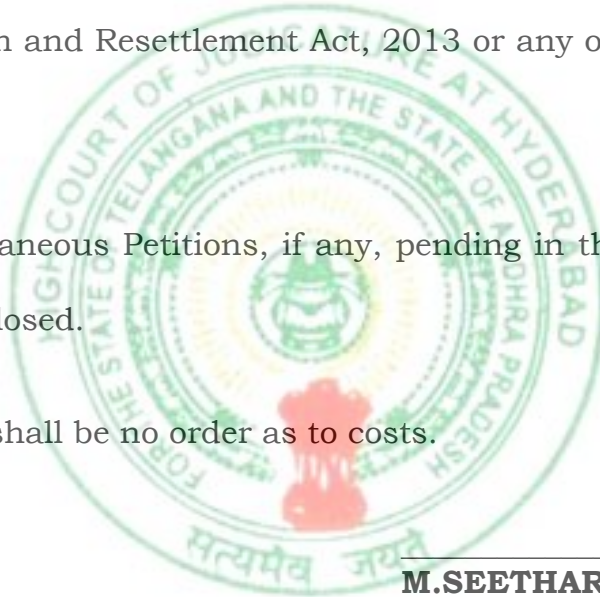
No.2 would submit that the Writ Petition can be disposed of with appropriate directions.

4. Learned counsel for the petitioner endorses the said submission.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioner over the subject property without following the procedure established by law, be it the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 or any other law, as the case may be.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.



M.SEETHARAMA MURTI, J

November 07, 2017

Note: Issue C.C. by tomorrow.
B/O.MD