

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.35577 of 2017

ORDER:

Heard the learned counsel for the petitioner and Sri Md. Saleem, learned counsel for 2nd respondent.

2. Petitioner's case is that 2nd respondent demolished shops belonging to the petitioner without following due process of law for the purpose of road widening in 2015 and without paying any compensation and on petitioner's request, issued letters on 06-01-2016 promising to allot shops in the municipal complex to be built but has not honoured the said promise till date.

3. The learned Standing Counsel for 2nd respondent does not dispute any of these allegations. He however states, on instructions, that there is an application for construction of shopping complex approved by the Director of Town and Country Planning, Government of A.P., Guntur and the amount was also sanctioned, but due to a pending case O.S.No.89 of 2016 in the Court of the Junior Civil Judge, Kalyanadurg, construction of shopping complex would take further time.

4. The very action of the 2nd respondent in demolishing the shops of the petitioner without acquiring the same under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is a

gross violation of law and the provisions of the A.P. Municipalities Act, 1965. It is a travesty of justice that the respondents have avoided their solemn promise to allot shops in a new shopping complex for the last two years on the pretext that there is a civil suit is pending.

5. In view of the fact that the very demolition of the shops of the petitioner by 2nd respondent for the purpose of road widening is patently illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India, the respondents are directed to forthwith initiate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pay compensation to the petitioner as per market value within six months from the date of receipt of a copy of this order. The 2nd respondent shall also pay costs of Rs.5,000/- (Rupees Five Thousand only) to the petitioner.

6. Accordingly, the Writ Petition is disposed of with costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-10-2017

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