

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44194 of 2016

ORDER:

Petitioners pray for the following relief:

“..to issue a 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 petitioners' property in R.S. Nos. 354/B1, 364/1A/1, 349/1B and their residential houses therein,. situated at Eedupugallu village, Kankipadu Mandal, Krishna District as illegal, highhanded arbitrary, violation of Articles 14, 19, 21 and 300-A of the Constitution of India and violation of principles of natural justice and consequently direct the respondents to pay the compensation to the petitioners for the acquired land in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and its clarification letter on par with the similarly situated persons, whose lands were acquired in the same Gazette Notification published in Hindu English Daily dated 22-10-2009 for the purpose of widening the National High Way No. 9 from KM 0/0 to 20/650, Vijayawada ...”

2. On 16.12.2016, this Court granted interim stay.
3. From the prayer, it is evident that the petitioners question the threatened action of respondents in proposing to demolish the structures without recourse to law as illegal, arbitrary and unconstitutional.
4. The fourth respondent filed counter affidavit and as directed by this Court, has produced the record relating to acquisition of the property of petitioners and also other properties on the same alignment.

5. After perusing the record, learned counsel for petitioners does not pursue the writ prayer but requests the Court to leave all issues relating to compensation payable to petitioners and/or challenge to award open for working out in pending case before the third respondent or by filing an independent proceeding. She further requests the Court to grant eight weeks time to petitioners to vacate and hand over the acquired portion of property.

6. Learned Government Pleader for Land Acquisition stoutly opposes the writ prayer and contends that eight weeks time requested by petitioners is completely unreasonable and leaves it to Court to grant reasonable time for vacating the acquired portion and delivering it to respondents.

7. I have perused the material available on record and also the record on the subject. I am not proposing to consider the suppression or other objections raised by respondents. The first petitioner is aged about 60 years and may be under erroneous impression would have filed the writ petition but the rights of petitioners otherwise ought not to be adversely affected while considering his prayers.

Accordingly, the writ petition is disposed of. The petitioners are granted time till 21.01.2017 to vacate the acquired portion and deliver vacant possession to respondents. The respondents are directed to mark the acquired portion strictly in accordance with the award passed on 07.08.2013. The third respondent is directed to dispose of the claim of petitioners filed for enhanced compensation including the claim of petitioners for compensation under Act 30 of 2013 within eight (8)

weeks from the date of receipt of copy of this order. Petitioners are given liberty to file a petition by enclosing copy of this order for expeditious disposal before third respondent. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 4, 2017
DSK

S. V. BHATT, J

