

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3433 OF 2018

ORDER:

The petitioner states that she was assigned a house site admeasuring Acs.0.05 cents in Survey No.1252/B of Ankireddypalem Layout and assignment patta was issued on 04.03.1992 by the then Mandal Revenue Officer, Guntur. The petitioner constructed a house and has been residing in the said house. She has been paying taxes regularly. While so, the respondents 5 and 6 wanted to expand the road from MBTS Polytechnic College to Vengalayapalem Village upto 60 feet road. Now the petitioner states that the extension was made only on one side of the road and the house of the petitioner was demolished highhandedly without issuing any notice. The seventh respondent Panchayat has not passed any resolution for widening the road. In those circumstances, the present writ petition is filed.

The learned Government Pleader, on the basis of written instructions received from the sixth respondent, submits that the total length of the road crossing in front of the residential area is 800 meters width, but the road width is only 22.40 meters. The road belongs to Gram Panchayat, Vengalayapalem Village. The petitioner and other residents of the same road side constructed warandahs occupying the road portion. All other residents voluntarily removed their warandahs for widening the road without any objections as the land belongs to the Gram Panchayat, but the petitioner did not come forward to handover the site. The said road is a link road to the National Highway 5 and Guntur-Kurnool State Highway.

The learned counsel for the petitioner submits that the measurement of the road was wrongly taken and the properties situated on one side of the road are only being demolished for the purpose of widening the road.

Since the petitioner claims Acs.0.05 cents of land under an assignment patta, if any portion of the said land is affected, the petitioner is entitled for compensation and notice before taking action. The instructions given to the learned Government Pleader are not clear as to the land affected for widening of the road and it merely says that the Panchayat land was utilised for widening the road.

In the circumstances, the respondents 3 to 7 are directed to issue notice to the petitioner and conduct survey of the land within a period of four weeks from the date of receipt of a copy of this order. If any portion of the land claimed by the petitioner under patta granted on 04.03.1992 is affected in the road widening, due process of law shall be followed and the petitioner is entitled for compensation. Without following due process of law, the land claimed by the petitioner shall not be interfered with.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

15.02.2018
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