

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.20968 OF 2018

ORDER:

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

“to issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish and take possession of the House bearing Plot No.31 with plinth area of 8126.5 Sft. in Sy. Nos. 758/2, 759 and 735 situated at Basinikonda Revenue Village, Madanapalle Mandal, Chittoor District belonging to the petitioner No. 1 and House with an extent of 4613 Sq. Mtrs. in Sy. No. 739, situated at Basinikonda Revenue Village, Madanapalle Mandal, Chittoor District belonging to the petitioner No.2 for the purpose of widening the road for NH - 42, without paying any compensation to the petitioners, as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently direct the respondents herein not to dismantle or interfere with the possession and enjoyment of the 1st petitioner in respect of House property bearing Plot No.31 with plinth area of 8126.5 Sft. in Sy. Nos.758/2, 759 and 735 situated at Basinikonda Revenue Village, Madanapalle Mandal, Chittoor District and House with an extent of 4613 Sq.Mtrs. in Sy. No. 739, situated at Basinikonda Revenue Village, Madanapalle Mandal, Chittoor District belonging to the petitioner No. 2, in the interest of justice.”

2. I have heard the submissions of Sri K.Srinivas, learned counsel for the petitioners, of Sri K.Lakshman, learned Assistant Solicitor General appearing for the 1st respondent; of Sri S.S.Varma, learned Standing Counsel appearing for the respondents 2 to 4; and, of the learned Government Pleader for

Land Acquisition (A.P.) appearing for the respondents 5 to 8. I have perused the material record.

3. Learned counsel for the petitioners, while reiterating the pleading in the writ petition, would submit that a road is being proposed to be laid in the subject property of the writ petitioners without paying any compensation and without acquiring the land of the petitioners, which is required for such purpose, by following the procedure established by law.

4. Learned counsel for the petitioners brings to the notice of this Court an interim order, dated 18.06.2018, in I.A.No.1 of 2018 in W.P.No.20095 of 2018 *inter alia* stating that in a case of similar nature, this Court granted an interim order.

5. Learned Standing Counsel appearing for the respondents 2 to 4 would submit that unless the land is acquired by following the procedure established by law, no further action will be taken with regard to subject property of the petitioners. In that view of the matter, this Court is of the considered view that this writ petition can be disposed of at the stage of admission.

6. In the result, the Writ Petition is disposed of directing the respondents not to lay any road from the subject property of the petitioners except after initiation of acquisition proceedings by following the procedure established by law and payment of compensation as contemplated under law. There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 22.06.2018
AMD



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