

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.22125 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking Writ of Mandamus declaring the action of the respondent authorities in proposing to demolish the property of the petitioners viz., D.No.40/30-2 & 40/30-3 of the 1st petitioner and Door No.40/31-1, 40/31-2, 40/31-3, 40/31-4 & 40/31-5 of the 2nd petitioner without issuing any notices and without initiating action under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, ['the Act', for short] as illegal, contrary to law and violative of the provisions of the Constitution of India.

At the hearing, Sri Virupaksha Dattatreya Gouda, learned counsel for the petitioners, submits that the subject properties of the petitioners are being proposed to be demolished for the purpose of road widening without following the due process of law.

Sri S.D.Goud, learned Standing Counsel, appearing for the respondents 2 & 3 would submit that if the properties of the petitioners are required for the purpose of road widening, the Corporation would follow the procedure established by law.

His submissions are recorded.

The Writ Petition is allowed as prayed for. However, this order shall not preclude the respondents from taking appropriate action in accordance with the procedure established by law and the provisions of the Act in the event the subject properties or any part thereof are required for road widening.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

28.06.2018

Note: Issue CC by 29.06.2018.

{B/o}

Vjl

