

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.998 of 2016

ORDER:

Heard the learned counsel for the petitioners, learned standing counsel for the 2nd respondent Corporation and the learned Government Pleader for respondent Nos.1, 3 and 4.

The prayer in the writ petition is as under:

“For the reasons stated in the accompanying affidavit the petitioners prayed that this Hon’ble Court may be pleased to issue writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in marking certain portion of House bearing D.No.47/267 and D.No.47/268 of Ravindranagar, Kadapa city, YSR Kadapa District without invoking the provisions of Land Acquisition Act and without following due process of law as illegal, unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India and also the principles of natural justice and consequently direct the respondents not to demolish any portion of the house bearing D.No.47/267 and D.No.47/268 of Ravindranagar, Kadapa city, YSR Kadapa District and pass such other or further orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The facts of the case are that the 1st petitioner is the owner of house bearing No.47/267 situated at Ravindranagar, Kadapa, having purchased the same under a registered sale deed dated 21.12.1995. The 2nd petitioner is the owner of the house bearing No.47/268 situated at Ravindranagar, Kadapa, which is adjacent to the 1st petitioner’s house, having purchased the same under a registered sale deed dated 02.11.1995. Since the dates of purchase, the petitioners are in possession and enjoyment of the said properties by paying the tax. Respondent Nos.2 to 4 for the purpose of widening the road have marked some portions in the premises of both the petitioners in the last week of December, 2011. The petitioners filed W.P.No.430 of 2012 before this Court questioning the action of the respondents therein in marking certain portions of their houses without initiating the proceedings

under the Land Acquisition Act and also without issuing any notice to them. The said writ petition was disposed of on 23.01.2012 directing the 2nd respondent Corporation to follow due process of law before demolishing the properties of the petitioners. In spite of the above direction, without initiating any proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, on 30.12.2015, the respondents once again marked some portions of the petitioners premises for demolition. Questioning the same, the present writ petition is filed.

When the matter is taken up for hearing, Sri S.D. Goud, learned standing counsel for the 2nd respondent Corporation, would submit that no markings have been placed on the premises of the petitioners. Even otherwise, if the 2nd respondent Corporation intends to widen the road, it will issue notices to the petitioners and follow due process of law. Till such time, no coercive steps will be taken by the Corporation to demolish the subject premises of the petitioners.

In the light of the above statement made by the learned standing counsel, the writ petition is disposed of directing the respondents to follow due process of law before demolishing the premises of the petitioners. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

JUSTICE P. KESHAVA RAO

Date: 16.04.2018.
ES