

THE HON'BL SRI JUSTICE P.KESHA RAO

WRIT PETITION No.15825 of 2016

O R D E R:

Heard the learned counsel for the petitioners as well as the learned Government Pleader appearing for the Roads and Buildings Department.

The prayer in the writ petition is as under:

“That this Hon’ble Court may be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in proposing to demolish the residential houses of the petitioners bearing D.Nos.8-2, 6-78, 6-96, 2-38 and 3-96 respectively in Angara village, Kapileswarapuram Mandal, East Godavari District without following due process of law and without acquiring the land and structures of the petitioners as illegal, arbitrary and unjust and consequently direct the respondents and their subordinates not to demolish the structures of the residential houses of the petitioners bearing D.Nos.8-2, 6-78, 6-96, 2-38 and 3-96 respectively in Angara village, Kapileswarapuram Mandal, East Godavari District and pass such other order or 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 petitioners are agriculturists by profession and they are eking out their livelihood by cultivating lands. They are living in their respective houses constructed in the sites owned by them. During the financial year 2015-16, the respondents have decided to widen the road leading from Mandapeta to Kapileswarapuram and the local politicians

with an oblique motive included the lands of the petitioners in the widening of the road though there is no necessity for the same. For the purpose of widening the road, the respondents gave markings to the houses of the petitioners and threatened them that they will come and to demolish the same. It is also their grievance that before resorting to the said highhanded action, the respondents have neither issued any notice nor initiated any action under Land Acquisition Act. Under those circumstances, the present writ petition is filed.

Per contra, the respondents 2 to 4 have filed counter affidavit denying the averments made in the affidavit filed in support of the writ petition and contended that the Roads and Buildings Department has addressed letter dated 7.4.2016 to the revenue authorities to start the process of earmarking the boundaries to take up widening work between Kapileswarapuram and Mandapeta. As per the request of the Roads and Buildings Department, demarcation was completed. However, it is stated that for doing the said work, due process of law will be followed.

Learned Government Pleader appearing for the respondents, on instructions, would submit that notice will be issued for the purpose of widening of road between Kapileswarapuram and Mandapeta, they will follow the due process of law for acquiring properties of the petitioners herein.

In the light of the same, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners without due process of law .

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date:27/04/2018

lkv

