

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2690 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, Sri N. Praveen Kumar, learned Standing Counsel for respondents 2 and 3, learned Government Pleader for Revenue for respondents 4 and 5 and learned Government Pleader for Roads and Buildings for respondent No.6.

2. This writ petition is filed challenging the action of the respondents in demolishing the petitioner's four shops forming part and parcel of the property admeasuring 560 sq. yards in H.No.8-3-30, situated at Mettugadda, Engonda Sivar Taluq, Mahaboobnagar District, without following due process of law.

3. The petitioner asserts that he is the owner of the property admeasuring 560 square yards situated at plot Nos.3,4,5 and 6 partly in Sy.Nos.216/2E and 217/E, situated at Mettugadda, Mahaboobnagar District. His grievance is that for the purpose of road widening, the respondents have made certain markings on his premises for demolition without acquisition and without following due process of law.

4. Learned counsel for the petitioner would submit that the action of the respondents in interfering with the property of the petitioner

unauthorizedly is violative of Article 300-A of the Constitution of India.

5. *Prima facie*, the material on record would disclose that the petitioner is the owner of the property i.e., H.No.8-3-30, situated at Mettugadda, Mahaboobnagar District. It is well settled law that no person shall be deprived of his property as the same is protected under Article 300-A of the Constitution of India.

6. In view of the above, the Writ Petition is disposed of, directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject property without following due process of law, and if the said property is required for any public purpose, the respondents shall invoke the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and comply with the mandate of payment of compensation before taking possession. No order as to costs.

7. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

12th February, 2019

sj