

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2812 of 2019

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Government Pleader for Roads and Buildings for respondents 2,5 and 6, Sri N. Praveen Kumar, learned Standing Counsel for respondent No.3, learned Government Pleader for Revenue for respondent No.4 and Sri S.S.Varma, learned Standing Counsel for respondent No.7.

2. This writ petition is filed challenging the action of respondents 3 to 7 in asking the petitioners to vacate and handover the affected portion of their premises bearing H.Nos.6-2-7, 6-2-8 and 6-2-8/1, admeasuring 145 square yards, and H.No.4-11-2/B admeasuring 50 square yards, situated at Raichur Road, Mahaboobnagar, without following due process of law.

3. The petitioners assert that they are owners of the aforesaid properties and that for the purpose of road widening, the respondents marked certain extent of their properties with an intention to demolish the same without issuing any notice to them.

4. Learned counsel for the petitioners would submit that the action of the respondents in interfering with the properties of the petitioners unauthorizedly is violative of Article 300-A of the Constitution of India.

5. Learned Government Pleader would submit that due procedure would be followed by the respondents before undertaking any demolition.

6. Having regard to the facts and circumstances, there is no dispute with respect to the ownership of the petitioners pertaining to the subject properties. 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.

7. In view of the above, the Writ Petition is disposed of, directing the respondents not to interfere with the possession and enjoyment of the petitioners over the subject properties without following due process of law, and if the said properties are required for 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.

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

CHALLA KODANDA RAM, J

13th February, 2019

sj