

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4513 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Standing Counsel for respondents 1 to 5 and learned Government Pleader for Revenue for respondents 6 to 8.

2. This writ petition is filed challenging the action of the respondents in dispossessing the petitioner from the land and building in H.No.10-23/13 in Sy.No.414, Odela Gram Panchayat, Odela Mandal, Peddapally, Karimnagar District, without following due process of law.

3. The petitioner asserts she is the owner and possessor of the aforesaid land and building and that for the purpose of laying railway line, the respondents started survey and demarcation of her properties with an intention to demolish the same without issuing any notice to her.

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

6th March, 2019

CHALLA KODANDA RAM, J

sj