

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 19761 OF 2019**

**O R D E R:**

Petitioner asserts that she is the owner of the land over an extent of 97 square yards situated near Devudi at Peddapalli, having acquired the same through a registered sale deed on 15.04.1982. It is her case that the respondent municipal Corporation had laid the underground drainage in her land without initiating the proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and without paying any compensation. In those circumstances, the petitioner asserts that she had made a representation on 26.08.2019 requesting the respondent authorities either to remove the drainage or pay the compensation in accordance with law.

Heard learned counsel for the petitioner.

Learned Standing Counsel for the Municipality, on instructions, submits that drainage was laid four years back and as on today, no work is being undertaken. According to the learned Standing counsel, belated claim of the petitioner cannot be considered.

In the petitioner's property, admittedly, drainage was laid for which no compensation was paid. It is settled principle that taking away the property without payment of compensation is nothing but depriving a citizen of his right to property under Article 300-A of the Constitution of India.

In view of the same, the respondent municipality shall assess the damage allegedly caused to the petitioner's property and pay the compensation either through negotiation or by initiating

the proceedings under the 2013 Act. This exercise be completed within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with this order. No costs.

Consequently, the miscellaneous Applications, if any stand closed.

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**CHALLA KODANDA RAM, J**

13<sup>th</sup> September 2019

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