

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 24497 and 24514 of 2019

COMMON ORDER:

Since the issue involved in these Writ Petitions is common, they are clubbed together and are being disposed by this common order.

In these writ petition, petitioners challenge the notices 24.10.2019 issued by respondent No.1-Adilabad Municipality stating that their houses bearing No.7-2-22/2 and 7-2-25 respectively are affecting in the road widening of Old National Highway No.7 from RIMS Hospital to GS State, Adilabad.

A perusal of the above said notices discloses that the petitioners were asked to submit ownership documents along with construction permission application within three days. The petitioners assert that they submitted their explanation along with certain documents on 28.10.2019.

Based on instructions issued by the Executive Engineer, Adilabad, learned Government Pleader submits that as per the Master Plan, the road is sought to be widened from 75 to 150 feet on either side and the municipal authorities had given marking accordingly and taken steps for removing the temporary sheds, however, no permanent structures have been dismantled so far. He further submits that the properties of the petitioners are located at a distance of 48 feet 7 inches at one corner and 56 feet at another

corner from the center of the existing carriageway and as per the master plan, no structure is existing within 75 feet on either side from the center of the road. However, as on date, the petitioners have not been evicted.

In the light of the above and as the petitioners have submitted their explanation to the impugned notices, the respondent authorities are directed to pass final orders considering the explanations submitted by the petitioners before taking any coercive step of demolition. In the event of the petitioners not consenting for settlement of compensation amount with respect to the land affected in the process of road widening, the State is required to adhere to the procedure prescribed under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:08.11.2019

kdl