

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11682 of 2005

Between:

1. Kadasani Alivelamma W/o K.Ramachandra Reddy,
aged about 55 years, Occ: House-wife,
r/o D.No. 5/155, Muthurasipalli (v),
Chinnachowk(p), Kadapa Town.

2. Kadasani Venkata Lakshumma, W/o K.V.Ramana Reddy,
aged about 55 years, Occ: House wife, r/o
D.No. 5/156, Muthurasupalli (v), Chinnachowk (P),
Kadapa Town.

3. K.Subba Reddy s/o Late K.Narayana Reddy,
aged about 57 years, Occ: Agriculturalist,
Madras Road, Kadapa Town.

4. Bhuma Subbarayudu, S/o Subbaiah, aged about
56 years, Occ: Business, R/o D.No.2-120, Kondayapalli,
Chinnachowk (p), Kadapa town.

5. N.Vijaya Chandra Gupta, s/o Subbaiah Chetty
aged about 42 years, Occ: Business.

6. N.Uma Maheswara Gupta, S/o Subbaiah Chetty,
aged about 45 years, Occ: Business.

(Petitioners 5 & 6 are r/o D.No.7/5-1, Madras Road,
Kadapa Town).

7. B.Bala Veera Reddy S/o VeeraReddy,
aged about 45 years, Occ: landlord,
r/o D.No.1/261-4, Madras Road, Kadapa Town.

..... PETITIONERS.

AND

1. The District Collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipality, Kadapa.
3. The Deputy Director of Survey & Land Records,
Kadapa, Kadapa District.
4. The Revenue Divisional Officer, Kadapa,
Kadapa District.
5. The Mandal Revenue Officer, Kadapa,
Kadapa District.
6. The Executive Engineer, R&B Department,
Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ (or) order (or) direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in threatening the petitioners to demolish the rooms and houses of the writ petitioners is as follows:

1st petitioner: Rooms D.NO.2/255, 2/256, 2/257, 2/258, 2/259, D.NO.1/228-3 and 1/228-4.

2nd petitioner: Rooms D.NO.1/228-1 and 1/228-2.

3rd petitioner: House D.NO.1/206-4B.

4th petitioner: House D.NO.1/259-4-5, 1/259-4-6, 1/259-4-7 and D.No.1/259-4-8.

5th petitioner: House D.NO.1/245-2A, 1/245-2B, 1/245-2C and D.No.1/259-4C.

6th petitioner: House D.NO.1/245-2D, 1/245-2E, 1/245-2F and D.NO.1/259-4D.

7th petitioner: House D.NO.1/261-4.

all the above said houses and rooms are situated at Madras Road, Kadapa Town, and trying to encroaching the property belongs to the petitioners which is illegal and arbitrary and un-constitutional and without jurisdiction and violative of Art-14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the existing structures of rooms and buildings as stated above, pending disposal of the writ petition and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: K.Sudershan Reddy

Counsel for the Respondent Nos.1 & 3 to 6: GP FOR REVENUE

Counsel for Respondent No.2: Mr. S.I.Newton,

S.C. for Municipalities.

The Court made the following :

ORAL ORDER:

Heard the learned counsel for both parties.

Learned counsel for the petitioners stated that the petitioners are the owners and possessors of the houses situated at Madras Road, Kadapa town. They constructed the said houses long back as per the rules and regulations. For the purpose of widening of the road, the respondents have made a marking and threatened the petitioners of demolition of the said houses on the ground that the said houses are coming in the way of widening.

Learned counsel for the petitioners submits that without paying compensation and without following due process of law, the petitioners cannot be deprived of their properties.

Having regard to the facts and circumstances, the respondents are directed not to demolish the existing structures of rooms and houses of the petitioners without acquiring the said properties either by way of private negotiations or by way of initiating the proceedings under the Land Acquisition Act.

The Writ Petition is, accordingly, disposed of. No costs.

24.5.2005.

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Note:

Communicate operative portion

by wire at party's cost.

(BO)

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To

1. The District Collector, Kadapa, Kadapa District.
2. The Commissioner, Kadapa Municipality, Kadapa.
3. The Deputy Director of Survey & Land Records,
Kadapa, Kadapa District.
4. The Revenue Divisional Officer, Kadapa,
Kadapa District.
5. The Mandal Revenue Officer, Kadapa,
Kadapa District.
6. The Executive Engineer, R&B Department,
Kadapa, Kadapa District.
7. Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad
(OUT).
8. Two CD copies.