

**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

C.M.A.No.79 of 2016

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JUDGMENT : (per Hon'ble Sri Justice Nooty Ramamohana Rao)

The Civil Miscellaneous Appeal is preferred against the orders passed by the learned Principal District Judge, Kadapa rejecting I.A. No.3086 of 2015 in A.O.P. No.358 of 2015.

2) We have heard the learned counsel Sri D.Kodanda Rami Reddy for considerable length of time. Though our sympathies go to the cause of the petitioner, but, however that alone cannot be a factor for us to grant the relief prayed for herein.

3) The land over which the petitioner appears to have raised certain structures is marked as getting effected for widening the National Highway-18. While the petitioner has sought for a compensation of Rs.60.00 lakhs (Rupees Sixty lakhs only), the Collector has awarded only Rs.12.00 lakhs (Rupees Twelve lakhs only). Therefore, A.O.P No.358 of 2015 is instituted.

4) The objection chiefly raised by the learned counsel for the appellant herein is that without properly valuing the structures, raised by the petitioner, if they are demolished or raised to the ground there may not be any scope for getting the claim of the appellant verified.

5) In our considered opinion, the problem ventilated by the learned counsel can be mitigated by taking out a commission to any of the approved structural engineer/valuer, whose inspection can be got photographed and videographed and preserved for the purpose of appreciation at any later point of time. The appellant

also could have gone before the Court below for securing appointment of an independent valuer. Therefore, only for the purpose of enabling the petitioner to take necessary steps to inspect the structures, which are going to be effected due to the road widening project and also retrieve whatever valuables that she wishes to, we direct that the demolitions may not be carried out for a period of one week from today i.e., upto 25.02.2016. Except to the above extent, the order under appeal is confirmed as we approve the reasoning adopted by the learned District Judge.

6) With the above observations, the Civil Miscellaneous Appeal is disposed of. Miscellaneous petitions pending, if any, in the appeal shall stand closed. No order as to costs.

JUSTICE NOOTY RAMAMOHANA RAO

Dr. JUSTICE B.SIVA SANKARA RAO

18.02.2016

N.B: C.C by tomorrow
(B/o) ksh