

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.7264 of 2010

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ORDER:-

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This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

“....the petitioner prays that the Hon'ble Court may pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus to declare the action of the respondents in laying the road from the land of the petitioner in Sy.No.73 of Kammapalem of Ongole Town to an extent of 2,142 sy. fts. is illegal arbitrary and without following the procedure as contemplated under the Land Acquisition Act and further direct the respondents not to lay any road without acquiring the land of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

I have heard the submissions of the learned counsel for the writ petitioner and the learned standing counsel for the 1st respondent-Municipality. I have perused the material record.

No counter is filed.

The grievance of the writ petitioner is that the respondents are trying to lay a road through the land of the petitioner in an extent of 2142 square feet in survey no.73 of Kammapalem of Ongole town without following the due procedure established by law and without acquiring the said land of the petitioner.

The learned standing counsel for the first respondent would submit that in case the respondents intend to proceed to lay the road through the land of the petitioner now being claimed in this writ petition, they would follow the due procedure established by law and that therefore, the writ petition may be disposed of recording the said submission.

The learned counsel for the writ petitioner gives his consent in disposing of the writ petition accordingly.

Recording the submission of the learned standing counsel for the 1st respondent-Ongole Municipality, this writ petition is disposed of directing the respondents to follow the due procedure established by law, in case they intend to lay any road through the subject land of the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition, shall stand closed.

M.Seetharama Murti, J

07th December, 2015

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