

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37606 of 2015

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19.11.2015

Between:

K.Ratnavathi and others

.. Petitioners

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Municipal Administration and Urban Development Department,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Md.Islamuddin Ansari

for Mr.Ghanta Sridhar

Counsel for respondent No.1: Government Pleader

for Municipal Administration and Urban Development (AP)

Counsel for respondent No.2: Mr.S.Lakshmi Narayana Reddy,

standing counsel for Greater Visakhapatnam Municipal Corporation

Counsel for respondent No.3: Mr.P.Jagadish Chandra Prasad,

standing counsel for Visakhapatnam Urban Development Authority

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent Nos.2 and 3, in resorting to taking over the petitioners' lands in Survey Nos.151, 153 and 194 situated on the southern side of the road leading from Simhachalam to Gopalapatnam without acquiring any land on the northern side of the said road and trying to demolish the petitioners' structures existing thereon without following due process of law, as arbitrary and illegal.

In order to widen the existing Simhachalam–Gopalapatnam road to 100 feet, respondent No.2 issued separate but similar notices to the petitioners on 11.09.2015 informing them that they will be paid structural compensation and also given TDR Certificates proportionate to the extent of land sought to be used for road widening. The petitioners made separate but identical representations on 21.09.2015 stating that no objections were called for to the proposed acquisition. The petitioners have, however, stated that as they are left with no other properties, they may be provided with equivalent compensation, solatium and other benefits available as per law.

One of the main grievances of the petitioners in this writ petition is that the

respondents are trying to widen the existing Simhachalam–Gopalapatnam road to 100 feet without maintaining parity on either side. They have alleged that for extraneous reasons, respondent No.2 is seeking to acquire a major portion on the southern side of the said road where their properties are situated, thereby seriously affecting their interests.

Mr.S.Lakshminarayana Reddy, learned standing counsel for respondent No.2 - Greater Visakhapatnam Municipal Corporation (GVMC), submitted that so far, work has not been commenced and that respondent No.2 will consider the grievance of the petitioners and commence the work only after convincing the latter to accept the proposal or initiate land acquisition proceedings if it cannot convince them.

In the light of the above submissions of the learned standing counsel for GVMC, the Writ Petition is disposed of. Before taking a final decision, respondent No.2 shall issue notices to the petitioners and consider their objections. If the petitioners feel aggrieved by the decision that would be taken by respondent No.2, they shall be free to avail appropriate remedy in accordance with law.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.48374 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

19th November, 2015

GHN