

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37535 of 2015

Date:18.11.2015

Between:

Mallarapu Lakshmi,

W/o Late Mallarapu Siva Ganeswara Rao

and seven others.

..... Petitioners

And:

The State of A.P., repled., by its

Principal Secretary, Municipal Administration,

Hyderabad and two others.

.....Respondents

Counsel for the Petitioners: Mr. Ghanta Rama Rao

For Mr. Ghanta Sridhar

Counsel for Respondent No.1: GP for Municipal Administration (AP)

The Court made the following:

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.127 to 132, 132/1 and 132/2 situated on the western side of the road leading from Simhachalam to Gopalapatnam without acquiring any land on the eastern side of the said road and trying to demolish the petitioners' structures existing thereon without following the due process of law, as arbitrary and illegal.

The petitioners are stated to have submitted a representation in this regard to respondent No.2 as well as the District Collector, Visakhapatnam.

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 western 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 remedies in accordance with law.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.48281 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

18th November, 2015

DR