

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.11046 of 2015

Between:

Monangi Samantaka Mani,
W/o. Monangi Balaraju,
Aged about 50 years,
Resident of D.No.15-1-22,
Ambati Satram, Vizianagaram,
Vizianagaram District.

.. Petitioner

AND

State of Andhra Pradesh,
Municipal Administration Department,
Secretariat, Hyderabad,
Rep. by its Secretary & 2 others

.. Respondents

AND

WRIT PETITION No.24063 of 2015

Between:

Ketala Kanna Krishna,
S/o. Surya Rao,
Aged about 40 years,
Resident of D.No.22-1-55,
Phoolbagh Road, Vizianagaram,
Vizianagaram District, Andhra Pradesh & another

.. Petitioners

AND

State of Andhra Pradesh,
Municipal Administration Department,
Secretariat, Hyderabad,
Rep. by its Secretary & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 04.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.11046 & 24063 of 2015

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COMMON ORDER:

The petitioners in these two writ petitions claim to be the residents of their respective properties residing in their respective houses situated in Phoolbagh Road, Vizianagaram, Vizianagaram District. The petitioners allege that the respondent Municipality intend to widen the existing road leading from Ambati Satram to Kothapet Water Tank in the Town to 80 feet. Without following the due process, the respondent Municipality intend to remove the structures of the petitioners and appropriate markings are made. The petitioners allege that the respondent Municipality initiated negotiation process to voluntarily forego the properties of the petitioners to the extent of the road widening required and in the negotiations, the respondent Municipality sought to offer transferable development rights in lieu of the land affecting for widening of the road, which offer was not acceptable to the petitioners. That being so, without following the due process, to compulsorily acquire the properties of the petitioners for public purpose, the respondent Municipality is threatening to dispossess the petitioners and demolish the structures affecting the road widening. Aggrieved thereby, this writ petition is filed.

2. When the matters are taken up for consideration,

learned Standing Counsel, on instructions, submits that in fact, the respondent Municipality has initiated process of negotiation and it is still negotiating with the petitioners and other property owners. If the property owners agree for the appropriate settlement, the matter would be resolved accordingly and then road widening will be taken up and if the property owners do not agree, then the respondent Municipality shall follow the due procedure as envisaged to acquire private property for public purpose.

3. Having regard to the said statement of the learned Standing Counsel, on instructions of the respondent Municipality, the primary grievance of the petitioners stood answered. Be that as it may, it is made clear that if the petitioners are willing for negotiations only after the proper negotiations are concluded, appropriate action can be taken for widening of the road and otherwise, it is mandatory for the respondent Municipality to follow the due process of acquisition as mandated by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, of private properties for public purpose and without following the due process, the properties of the petitioners cannot be taken by the respondent Municipality or any other authority for the purpose of widening of the subject road.

4. With the above observations, the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in these writ petitions

shall stand closed.

P.NAVEEN RAO, J

Date: 4th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.11046 & 24063 of 2015

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