

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.44498 of 2016

ORDER:

Heard Si N.Subba Rao for petitioner and Si A.Panduranga Rao Standing Counsel for respondents 2 to 5.

Petitioner prays for the following relief :-

“..... to issue a Writ of Mandamus-or any other appropriate Writ, Order or direction, (1) declaring the action of the respondents in taking steps to demolish the building situated in H.No.4-8-15 New Ward No.2, Block No.5, T.S.No.300 RU, Koretipadu, Guntur without initiating acquisition proceedings Under Right to Fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.39 of 2013) and without quantifying the damage, which is going to be caused to the petitioner, as illegal and arbitrary, (2) declaring the action of the respondents in making markings without considering the objections raised by the petitioner on 10-12-2016 pursuant to the notice issued Under Section 146 of HMC Act, 1955 as illegal and arbitrary and violative of principles of natural justice, (3) to declare the action of the respondents in not taking steps to acquire the land and building sought to be demolished H.No.4-8-15, Koritepadu, Guntur required Under Section 147 of HMC Act, 1955 is illegal and arbitrary and consequently direct the respondents not to take any coercive steps to demolish the building situated in H.No.4-8-15, New Ward No.2, Block No.5, T.S.No.300 RU Koretipadu, Guntur without initiating acquisition proceedings under right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.39 of 2013) and without quantifying the damage, which is going to be caused to the petitioner..”

At request of Si A.Panduranga Rao, the writ petition was adjourned from yesterday to today to enable him to get instructions

on the grievance complained by the petitioner in the instant writ petition.

On instructions, learned Standing Counsel submits that the respondents have firstly sought co-operation from all the owners of property likely to be affected by road widening and in the event, the owners are not agreeing to the proposals of the Corporation, the Corporation follows the procedure prescribed by law either for demolition or dispossession of any person including the petitioner herein.

Shri M. Subba Rao draws the attention of the Court to reply dated 10-12-2016 given by petitioner and submits that the petitioner is not agreeable to the offer given by the Corporation.

The statement of learned Standing Counsel is placed on record and it is for the Corporation to consider the reply dated 10-12-2016 in its right perspective and proceed accordingly. In the meantime, the possession of petitioner is not disturbed except in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 22-12-2016
Prv

THE HON'BLE SRI JUSTICE S.V. BHATT



WRIT PETITION No.44498 of 2016

22-12-2016

Prv

