

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION No.11088 OF 2016

ORDER:

Heard Sri Naresh Kumar, learned counsel representing
Sri Nimmagadda Satyanarayana, learned counsel for the petitioner,
and Sri Ancha Pandu Ranga Rao, learned Standing Counsel for the
Eluru Municipal Corporation.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit
the Petitioner prays that this Hon'ble Court may be pleased
to issue a writ, order or direction more particularly one in the
nature of WRIT OF MANDAMUS declaring the action of
2nd respondent in marking a portion of the petitioner's four
shops structure and site out of 200 Sq.Yds., in Municipal
Assessment Nos.1075005581 and 1075005582 western
adjoining Main Bazaar and southern adjoining Canal Road
in Nallamandu Street, Revenue Ward 5 of 2nd respondent
Municipal Corporation Limits for the purpose of road
widening, without acquiring the same, by following any
known procedure established by law, as illegal, irregular,
irrational and violative of provisions of The Greater
Hyderabad Municipal Act, 1955 and The Right to Fair
Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013 and offends
articles 14, 21 and 300-A of Constitution of India and
consequently direct the 2nd respondent not to interfere with
the petitioner's possession over said property in any
manner, without following due procedure established by law
and to pass such other order or orders as this Hon'ble Court
may deem fit and proper in the circumstances of the case.”

The property tax receipts filed by the petitioner evidence his
possession over the subject property. In that view of the matter, it
would not be open to the municipal authorities to proceed against the
petitioner's property without following the due procedure.

The writ petition is accordingly disposed of directing the Eluru
Municipal Corporation authorities not to interfere with the petitioner's

possession over the subject property except in accordance with the due procedure laid down by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

4th April, 2016
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