

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.30188 OF 2012

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DATED : 22.04.2016

Between :

S.V.Mohan Reddy S/o.S.V.Subba Reddy,
Aged about 49 yrs, R/o.H.No.40/581-A1,
R.S.Road, Kurnool City & Town.

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Petitioner

and

The Kurnool Municipal Corporation,
Kurnool, rep., by its Commissioner,

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Respondent

This court made the following :

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ORDER :

With the consent of learned counsel for the parties, the writ petition is disposed of at the admission stage.

2. This writ petition is filed praying to grant the following relief :

"To issue an appropriate writ, order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondent herein in not acquiring the land on both sides of the existing road equally by taking the centric point as the base for widening of the existing road and trying to demolish the compound wall and the structures belonging to the petitioner as being illegal, arbitrary and is in violation of principles of natural justice and in violation of Articles 14 and 21 of the Constitution of India and consequently direct the respondent and his subordinates not to interfere with the peaceful possession and enjoyment of the petitioner situated in S.No.115 of Kurnool Village & District".

3. By order dated 26.09.2012 this Court passed the following order in W.P.M.P.No.38500 of 2012 :

"Heard Sri K.Rathangamani Reddy, learned counsel for the petitioner.

The grievance of the petitioner is that the letter, dated 28.02.2011, addressed to the Commissioner of the respondent did not evoke any response so far, while the proposed widening of the road affecting the private property of the petitioner is likely to result in demolition of the compound wall and structures of the petitioner without taking recourse to due process of law.

Therefore, the respondent shall not interfere with the property of the petitioner, except otherwise than under due process of law and till after the response of the respondent on the representation of the petitioner, dated 28.02.2011, is communicated to the petitioner."

4. In the counter affidavit filed by the respondent it is averred that based on the proposal for widening of the road in front of the property though notices were issued to the petitioner for acquisition of property, said proposals are kept in abeyance as the Municipal Corporation is contemplating to modify the Master plan and the same is in progress.

5. In Paragraph No.6 of the counter, it is further averred as under :

"It is submitted that, when it is necessitated for road widening near SBI Circle, Kurnool after finalisation of the Master plan where the site of the petitioner is situated, this respondent-Corporation would strictly adopt the procedure as laid down under the Land Acquisition Act. At present, as stated above, the proposal of road widening is dropped."

6. Having regard to the categorical statement of the respondent and since the proposed acquisition proceedings are now kept in abeyance, the cause in the writ petition does not survive.

7. Accordingly, the writ petition is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

22nd April, 2016
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